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GE

THE STATE OF OHIO.

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GENERAL AND LOCAL LAWS

AND

JOINT RESOLUTIONS,

PASSED BY THE

FIFTY-NINTH GENERAL ASSEMBLY,

AT THE ADJOURNED SESSION,

BEGUN AND HELD AT THE CITY OF COLUMBUS, JANUARY 3, A.D. 1871, AND IN THE 69TH  
YEAR OF SAID STATE.

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VOLUME LXVIII.

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COLUMBUS:  
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1871.



# GENERAL LAWS.

## AN ACT

To amend an act entitled "an act to establish a code of criminal procedure for the state of Ohio," passed May 6, 1862, (O. L., vol. 66, p. 287.)

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That sections 26, 27, 75, 83, 101, 103, 104, 115, 118, 134, 164, 170 and 172 be, severally, so amended as to read as follows:

**Section 26.** The warrant shall be directed to any constable of the county, or if the same be issued by an officer of a municipal corporation authorized to issue such warrant, then to the marshal or other police officer of such corporation, and, reciting the substance of the accusation, shall command the officer forthwith to take the accused and bring him before the magistrate or court issuing the warrant, or some other magistrate having cognizance of the case, to be dealt with according to law.

Contents of warrant, and to whom directed.

**Section 27.** If any person charged with the commission of an offense, shall flee from justice, it shall be lawful for the officer in whose hands the warrant for such person has been placed, to pursue and arrest such person in any county of this state, and him to convey before the magistrate or court issuing such warrant, or other magistrate or court of the county having cognizance of the case.

Re-arrest of person escaping.

**Section 75.** Before any witness shall be examined by the grand jury, an oath or affirmation shall be administered to him by the clerk, truly to testify of such matters and things as may be lawfully inquired of before said jury, a certificate whereof the clerk shall make and deliver to such witness, who shall present the same to the foreman of the grand jury when he is admitted for examination.

Oath of witness and certificate thereof.

**Section 83.** No indictment for any misdemeanor shall be found a true bill by any grand jury, unless the name of the prosecuting witness shall be endorsed thereon, except such bill be found upon testimony sworn and sent to the grand jury at the request of the prosecuting attorney, or of the foreman of the grand jury, in which case the fact that the bill was so found shall be endorsed on the bill instead of the name of the prosecutor; provided, that this section shall not apply to any indictment for any offence made punishable by the act entitled "an act to provide against the evils resulting from

When name of prosecuting witness to be endorsed on indictment.

the sale of intoxicating liquors in the state of Ohio," passed May 1, 1854, and the several acts amendatory thereof and supplementary thereto.

Warrant on indictment and arrest of accused.

Section 101. A warrant may be issued in term time or in vacation of the court on an indictment found or presentment made in any county, and when directed to the sheriff of the county where such indictment was found, or presentment made, it shall be lawful for such officer to pursue and arrest the accused named in such warrant, in any county of this state where he may be found, and commit him to jail or hold him to bail as provided in this code.

Copy of indictment to be served on accused.

Section 103. Within three days after the filing of an indictment for a felony, and in every other case, on request the clerk shall make and deliver to the sheriff, the defendant, or his counsel, a copy of the indictment, and the sheriff on receiving such copy shall serve the same upon the defendant; and no one shall be, without his assent, arraigned or called on to answer to any indictment until one day shall have elapsed, after receiving in person or by counsel, or having an opportunity to receive, a copy of such indictment as aforesaid.

Court to assign counsel to accused.

Section 104. After a copy of the indictment has been served upon the defendant, or opportunity had for receiving the same as aforesaid, the accused shall be brought into court; and if he be without counsel, and unable to employ any, it shall be the duty of the court to assign him counsel, at his request, not exceeding two, who shall have free access to the accused at all reasonable hours.

Arraignment of accused.

Section 115. The accused shall be arraigned by reading to him the indictment, unless in cases of indictments for misdemeanors, the reading shall be waived by the accused by the nature of the charge being made known to him, and he shall then be asked whether he is guilty or not guilty of the offence charged.

Rule as to plea in bar.

Section 118. If the issue on the plea in bar be found against the defendant, or if upon the arraignment the accused offer no plea in bar, he shall plead "guilty" or "not guilty;" but if he plead evasively, or stand mute, he shall be taken to have pleaded "not guilty."

Causes for challenge of jurors.

Section 134. The following shall be good causes for challenge to any person called as a juror on the trial of any indictment:

1. That he was a member of the grand jury which found the indictment.

2. That he has formed or expressed an opinion as to the guilt or innocence of the accused.

3. In indictments for an offence, the punishment whereof is capital, that his opinions are such as to preclude him from finding the accused guilty of an offence punishable with death.

4. That he is a relation within the fifth degree to the person alleged to be injured by the offence, or to the person on whose complaint the prosecution was instituted, or to the defendant.

5. That he has served on a petit jury which was sworn in the same cause against the same defendant, and which jury either rendered a verdict which was set aside, or the jury was discharged after hearing the evidence.

6. That he has served as a juror in a civil case brought against the defendant for the same act.

7. That he has been in good faith subpoenaed as a witness in the case, on behalf of the state or of the defendant.

8. The same challenges for cause shall be allowed in criminal prosecutions that are allowed to parties in civil cases.

Section 164. When a case is finally submitted to the jury, they must be kept together in some convenient place, under the charge of an officer, until they agree upon a verdict, or are discharged by the court. The officer having them in charge shall not suffer any communication to be made to them, or make any himself, except to ask them if they have agreed upon a verdict, unless by order of the court; nor shall he communicate to any one, before the verdict is delivered, any matter in relation to the state of their deliberations. If the jury are permitted to separate during the trial, they shall be admonished by the court that it is their duty not to converse with, or suffer themselves to be addressed by any other person on the subject of the trial, or to listen to any conversation on the subject; and that it is their duty not to form or express an opinion thereon until the cause is finally submitted to them.

Conduct of jury after case is submitted.

Section 170. If the defendant have nothing to say, or if he show no good and sufficient cause why judgment should not be pronounced, the court shall proceed to pronounce judgment as provided by law.

Court to pronounce judgment.

Section 172. When a person shall be convicted of an offence, and shall give notice to the court of his intention to apply for a writ of error, the court may, in its discretion, on application of the person so convicted, suspend the execution of the sentence or judgment against him until the next term of the court, or for such period, not beyond the session of the court, as will give the person so convicted a reasonable time to apply for such writ; provided, when any such conviction is of an offense the punishment whereof is capital, at least one hundred days shall intervene between the date of such sentence and judgment, and the day appointed for the execution thereof.

Suspension of execution on notice of application for writ of error.

SEC. 2. That sections 26, 27, 75, 83, 101, 103, 104, 115, 118, 134, 164, 170 and 172 of said act, be and the same are hereby repealed; and this act shall take effect on its passage.

Sections repealed.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed January 5, 1871.

## AN ACT

To provide for the appointment of guardians of habitual drunkards, and prescribing the duties of such guardians.

When guardian to be appointed by court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the court of common pleas, or any judge thereof, in vacation, upon satisfactory proof that any person, resident of the county wherein the application may be made, is incapable of taking care of and preserving his or her property, by reason of intemperance or habitual drunkenness, shall forthwith appoint a guardian of the property of such person, which guardian shall, by virtue of such appointment, be guardian also of the minor child or children of his ward, in case no other be appointed; and all laws relating to guardians for minors and their wards, and all laws pointing out the qualifications, duties, rights and liabilities of such guardians, and their sureties, in force for the time being, shall be applicable to the guardians contemplated by this act: Provided, however, that in case there shall be no judge of the court of common pleas in the county where such intemperate person or habitual drunkard may reside, the probate judge of the county may make such appointment.

Notice to be served on party, etc.; sale thereafter invalid.

SEC. 2. At least five, but not more than ten, days prior to the time when the application for the appointment of the guardian authorized by the foregoing section shall be made, a notice, in writing, setting forth the time and place of the hearing of the application, shall be served upon the person for whose property such appointment may be sought; and from the time of the service of such notice until the hearing, or the day thereof, as to all persons having notice of such proceeding, no sale, gift, conveyance, or incumbrance, of the property of such intemperate person or habitual drunkard, shall be valid.

When guardianship shall terminate.

SEC. 3. The court of common pleas may, at any regular or adjourned term thereof, for the county where the person for whose property such guardian shall have been appointed, upon reasonable notice to such guardian, and satisfactory proof that the necessity for such guardian no longer exists, order that the relation of guardian and ward terminate, and that the ward be restored to the full control of his property, as before the appointment authorized by the first section of this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed January 5, 1871.

## AN ACT

Making appropriations for pay of members and officers of the General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated out of any money in the treasury for general revenue purposes, not otherwise appropriated, to pay the members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, assistant sergeants-at arms and messengers, under resolutions of the senate and house, and the laws, fifteen (15) thousand dollars.

Members and officers of the general assembly.

SEC. 2. This act to take effect from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. O. LEE,

*President of the Senate.*

Passed January 7, 1871.

## AN ACT

To amend sections 7, 15 and 29 of an act entitled "An act to regulate and govern the Ohio Penitentiary," passed April 1, 1867, (S. & S., p. 512).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 7, 15 and 29 of the act entitled an act to regulate and govern the Ohio Penitentiary, passed April 1, 1867, be amended so as to read as follows:

Section 7. The board shall appoint a clerk, a steward, a physician, a chaplain; and, when business requires it, an assistant clerk. And the warden, by and with the advice and consent of the board, shall appoint a deputy warden; and the warden shall appoint superintendents of the yard, kitchen, state shops and hospital; a captain of the night watch, and as many guards as may be necessary, subject to the right of the board at any time to order the number increased or diminished. All persons so appointed shall take an oath of office, and except the female guards, enter into a bond to the state, with sureties to the satisfaction of the board that they will faithfully discharge the duties which devolve upon them; the deputy warden and clerk in the sum of three thousand dollars each, the steward in the sum of five thousand dollars, the assistant clerk in the sum of one thousand dollars, the superintendent and captain of the night watch, each in the sum of six hundred dollars, and the guards each in the sum of five hundred dollars. Each of said persons shall discharge the duties pertaining to his position under the direction of the warden, and in pursuance of the rules and regulations

Officers appointed by board.

—by warden.

Oath and bonds.

Duties.

Term of  
office.

of the board and of this act. All officers appointed under the provisions of this section, shall hold their offices for the period of two years, unless sooner removed, as provided in section thirteen of the act to which this is amendatory.

Compensation of officers and employees.

Section 15. The officers and employees shall receive the following compensation, to-wit: The directors, in addition to their necessary traveling expenses, shall be paid the sum of five dollars per day for the time necessarily employed in the discharge of their official duties; the warden, two thousand dollars each year; the deputy warden, eighteen hundred dollars each year; the clerk, fifteen hundred dollars each year; the assistant clerk, in the discretion of the board, not exceeding one thousand dollars each year; the steward, fifteen hundred dollars each year; the physician, one thousand dollars each year; the chaplain, fifteen hundred dollars each year; the superintendents of the yard, kitchen, state shops and hospital, and officer in charge of the guard room, seventy-five dollars each per calendar month; the captain of the night watch, one hundred dollars each per calendar month; the male guards, sixty-five dollars, and the female guards, fifty dollars per each calendar month. The directors shall be paid quarterly, and the other officers and employees monthly, out of the treasury of the state, on the warrant of the auditor.

Rules regulating treatment of prisoners, etc.

Section 29. In the treatment of the prisoners, the following general rules shall be observed:

1. Each convict shall be provided with a bed of straw, or other suitable material, and sufficient covering, with garments of coarse material, and with sufficient plain and wholesome food, and such variety as may be most conducive to health.

2. If any prisoner is sentenced to solitary confinement, the sentence shall be executed, subject to the right of the board to modify it so far as may be necessary to prevent any serious injury to health. No unnecessary labor shall be required of any convict on Sunday.

3. No punishment shall be inflicted except by the order and under the direction of the warden or deputy warden.

4. All money in the possession of a prisoner, when he is delivered at the penitentiary, shall be properly entered on the clerk's books, and if not otherwise disposed of by the prisoner shall be deposited in the treasury by the warden, with other funds in his hands.

5. The rules and regulations prescribing the duties of and obligations of the prisoners shall be printed and hung up in each cell and shop.

6. Each convict, when he leaves the penitentiary, shall be supplied with a suit of citizen's clothes, with the money taken from him when he entered, and which has not been disposed of by his order, and what he may have earned by good behavior and diligent labor.

Insane or lunatic convicts.

Before discharging any convict who may be insane or lunatic at the time of the expiration of his sentence, the warden shall first give notice, in writing, to the probate judge

of the county from which such convict was sent, of the fact of such insanity or lunacy; whereupon said judge shall forthwith issue his warrant to the sheriff of such county, commanding him to remove such insane or lunatic convict, and return him to said county. Upon the receipt of such warrant, it shall be the duty of said sheriff to whom it is directed to execute the same forthwith, and return the same to the probate judge by whom it was issued; and thereupon the said probate judge shall immediately order such insane or lunatic person to be confined and provided for as directed by the 25th section of an act, entitled an act to provide for the uniform government and better regulation of the lunatic asylums of the state, and the care of idiots and the insane, passed April 7, 1856; and the sheriff shall receive the same compensation as for transferring a prisoner to the penitentiary, and the auditor of the county shall draw an order upon the county treasurer for the amount. If any such probate judge, after having been so notified by the warden, shall neglect to issue his warrant as herein provided, or any such sheriff shall neglect to remove such insane or lunatic convict, as required by the provisions of this section, it shall be the duty of the warden to cause such insane or lunatic convict to be removed and returned to the county from which he was sent, in charge of an officer of the penitentiary, or some other suitable person; and the cost of such removal shall be paid out of the county treasury in the same manner as when removed by the sheriff as herein provided.

SEC. 2. That sections seven, fifteen and twenty-nine, of the above recited act, be and the same are hereby repealed. Sections repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed January 7, 1871.

## AN ACT

To amend section thirty-five of an act providing for the Punishment of Crimes, passed March 7, 1835. (S. & C., p. 415.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section thirty-five of an act providing for the punishment of crimes, passed March 7, 1835, be amended so as to read as follows:

Section 35. That if any of the assistants, guards, or other officers of the penitentiary, or any other person than a convict, shall procure, aid or abet any of the convicts confined Penalty of guards assisting escapes.

therein to escape therefrom, or shall induce or attempt to induce, or persuade, or attempt to persuade, any of the convicts therein to escape, or attempt to escape, every person so offending shall, upon conviction thereof, be imprisoned in the penitentiary, and kept at hard labor for any space of time not greater than the convict thus procured, aided or abetted to escape, or induced, or attempted to be induced, or persuaded, or attempted to be persuaded, to escape, was originally sentenced for. Or, if any person or persons, without the consent of the warden or deputy warden, or in the discharge of his or their duty as an employe of said penitentiary, shall convey, or attempt to convey, or shall aid, abet, or procure to be conveyed, or attempted to be conveyed, to any convict therein, any weapon, ammunition, tool, or material of any kind, he or they shall be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the penitentiary for a term of time of not less than two, nor more than ten years.

Repeal.

SEC. 2. That section thirty-five of said act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed January 13, 1871.

## AN ACT

Supplementary to an act to amend section one of an act entitled "an act supplementary to an act entitled an act to provide a Board of Commissioners to examine certain Military Claims, and making an appropriation for their payment," passed April 11, 1865. O. L. vol. 63, page 157; O. L. vol. 65, page 184.

Additional  
 powers conferred.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to the claims specified and enumerated in the first section of said act of May 5, 1868, said board shall have power to examine, adjust and allow, as in said act specified, the following: Claims of sheriffs of the several counties of this state for enrolling the militia and calling out the militia under the direction of the governor of this state, including all their legitimate expenses therewith connected; the claims of citizens of this state for gathering together and storing and preserving the public arms under the direction of the quartermaster general of this state during the late rebellion.

SEC. 2. All claims allowed under this act shall be paid out of the state military fund. How allowances paid.

SEC. 3. This act to take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed January 18, 1871.

## AN ACT

Supplementary to an act entitled an "an act to amend section one of an act entitled 'an act to enable associations of persons for building hotels and for other purposes to become bodies corporate,'" passed April 5, 1866, as amended by an act passed April 16, 1867, (passed April 25, 1868, 65 Vol., Stat. 108.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any company now incorporated, or which may hereafter be incorporated, under an act entitled "an act to amend section one of an 'act to enable associations of persons, for building hotels and for other purposes, to become bodies corporate,'" passed April 5, 1866, and amended by an act passed April 16, 1867, passed April 25, 1868, shall be and are hereby authorized and empowered to construct and maintain buildings to be used as an exchange, or place of congregation of merchants, with halls, offices, rooms, storerooms and cellars, to be used in connection therewith, or rented; and to acquire, hold, use and convey at pleasure all such real and personal property as may be necessary and convenient for such purpose.

Provisions  
extended to  
building of  
exchanges,  
etc.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed January 19, 1871.

## AN ACT

Making partial appropriations for the year 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated, out of any money in the treasury to the credit of general revenue and not otherwise appropriated, the following sums, to wit:

Members and officers of general assembly.

For the payment of the per diem, and mileage of members and officers of the general assembly, under the laws and resolutions of the house and senate, respectively, one hundred thousand dollars.

Southern lunatic asylum.

For provisions and necessary current expenses of the southern lunatic asylum, fifteen thousand dollars.

Northern lunatic asylum.

For provisions and necessary current expenses of the northern lunatic asylum, ten thousand dollars.

Blind asylum.

For provisions and necessary current expenses of the asylum for the blind, five thousand dollars.

Reform school.

For the purchase of material for manufacture at the reform farm for boys, the sum of five thousand dollars.

Supreme court contingents.

For contingent expenses of the supreme court, including pay of messenger, four hundred dollars.

For contingent expenses of the clerk of the supreme court, one hundred dollars.

School commissioners' clerks.

For payment of clerks in the office of the state school commissioner, six hundred dollars.

Legislative committees.

For the expenses of the committees of the general assembly, upon the certificate of the chairman of each committee, and of the chairman of the committee of claims of each house respectively, five hundred dollars.

Contingent of general assembly.

For the contingent expenses of the general assembly, upon vouchers approved by the president of the senate and speaker of the house, respectively, five hundred dollars.

State board of equalization.

For the per diem, mileage and expenses of the members and officers of the state board of equalization, fifteen thousand dollars.

Trustees of agricultural college.

For the necessary expenses of the trustees of the Ohio agricultural and mechanical college, to be paid upon the certificate of the president and secretary thereof, with vouchers satisfactory to the auditor of state, two thousand dollars.

Fuel.

For fuel for the state house, sixteen hundred dollars.

Binding.

For binding for the state, five thousand dollars.

Printing.

For printing for the state, five thousand dollars.

Printing at D. & D. Asylum.

For the printing department of the deaf and dumb asylum, five hundred dollars.

Transportation, etc., of convicts.

For costs of prosecution and transportation of convicts to the Ohio penitentiary, fifteen thousand dollars.

Employes of state house.

For wages of employes under the direction of the superintendent of the state house, including all deficiencies, twenty-five hundred dollars.

Board of military claims.

For claims that have been or may be allowed by the board of military claims, thirty-five thousand dollars.

To pay expenses of survey of land near the "Lewistown reservoir, under the resolution of the last session," directing

the board of public works to appropriate and condemn, as easements for the use of the state, the right to flood certain lands near Lewistown reservoir, two hundred and fifty dollars.

Survey of  
Lewistown  
reservoir  
land.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed January 19th, 1871.

## AN ACT

To provide for an Appropriation from the Agricultural and Mechanical College Fund, and authorizing the deposit in the State Treasury of certain Bonds.

WHEREAS, The board of trustees of the Ohio agricultural and mechanical college has bargained for the purchase of several tracts of land in Franklin county, Ohio, the payment for a part of which is to be made in money, and they have not the money with which to make such payment, and whereas said board holds the seven per cent. coupon bonds of Franklin county to a large amount, issued in pursuance of an "act to authorize the several counties of the State to raise money to secure the location of the Ohio agricultural and mechanical college," passed April 18, 1870 (67 O. L., p. 95), and upon which bonds said board can not at this time realize an amount of money sufficient to pay for such purchase without great sacrifice thereon; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from and out of the Ohio agricultural and mechanical college fund, the sum of thirty-four thousand two hundred and forty-five dollars, being an amount equal to and not exceeding ten per centum upon the principal of said fund as derived from the sale of land scrip received by the state of Ohio under and by virtue of an "act of Congress donating lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862; this appropriation being made for the purpose of paying for lands purchased as referred to in the preamble of this act.

Appropriations from  
agricultural  
college fund.

SEC. 2. That before any of said money shall be drawn from the treasury the said board of trustees shall deposit with the treasurer of state said bonds of Franklin county equal in amount to the amount appropriated in the foregoing section, to be credited to the agricultural and mechanical college fund, and the coupons of which, as they become due, shall be collected by said treasurer of state and placed to the

Conditions  
of appropriation.

credit of said college fund as soon as such deposit shall have been made. The trustees of said college are authorized to make requisitions for the amount of money above appropriated, and the treasurer of state is required to pay the same upon presentation of proper vouchers as required by law, and said board shall use the same in payment for the purchase above specified in accordance with the provisions of the act of Congress before referred to; provided, that the said college fund shall be reimbursed in the sum of thirty-four thousand two hundred and forty-five dollars with interest above appropriated, whenever the said bonds referred to in this act shall have matured and been paid. If said bonds shall not be paid at maturity, the treasurer of state shall proceed to collect or sell the same at par value and apply the proceeds thereof to the reimbursement of said fund; and provided further, that no warrant shall be issued by the auditor of state for the payment of any money appropriated by the provisions of this act, until the executive committee of said board of trustees have filed their certificate with the said auditor that the commissioners of Franklin county have fully executed their contract with said board in reference to the donation of three hundred thousand dollars by said county to said agricultural and mechanical college; provided still further, that this act shall not be construed to operate as a guaranty by the state of the payment of the said bonds of Franklin county, or as creating any obligation on the part of the State to repay to said fund any part of the sum herein appropriated beyond the amount that may be realized on said bonds.

SEC. 3. This act to take effect on its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed January 20, 1871.

## AN ACT

For the further protection of certain Birds and Game.

When it is  
 unlawful to  
 hurt, kill,  
 etc., wild  
 duck.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person, between the first day of March and the first day of September, upon any lake or bay within or bordering upon this state, or upon any streams or waters tributary thereto, or in any of the channels, ponds, or marshes connected therewith, to hunt, kill, or destroy any wild duck of any kind. And it shall be unlawful for any person in this state, to expose for sale, or to have in his possession, any wild duck killed or trapped between the first day of March and the first day of September.

SEC. 2. Any person offending against any of the provisions of this act, shall, on conviction thereof, be fined in any sum, not less than one nor more than two dollars, for every duck so killed or found in his possession, or exposed for sale contrary to the provisions of this act. And the court assessing the fine may order the offender to stand committed to the jail of the county until the fine is paid.

Penalty for violation of the law.

SEC. 3. All prosecutions under this act shall be in the name of the state of Ohio, before any justice of the peace, or other officer or court having jurisdiction; and the offender may be prosecuted, either in the county where the offense was committed or where the defendant resides. All fines imposed and collected in such cases shall be paid, one-half to the informer and the other half into the county treasury, for the benefit of common schools.

Jurisdiction of courts.

SEC. 4. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed January 31, 1871.

## AN ACT

To provide for the erection and maintenance of "chutes" for the passage of fish over the dams across the streams of this state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be erected and maintained by the owner or owners of any dam across any river or creek in this state, a sufficient passage way, or chute, for the passage of fish over such dam, or dams; which chute shall be kept open and free for the passage of fish, by said owner or occupant.

Chutes must be erected across dams, etc.

SEC. 2. That whenever the owner or owners, or occupant of any such dam shall neglect or refuse to construct such passage way, or chute, over the same, it is hereby made the duty of the commissioners of any county in this state, in which such dam may be situate, to proceed, after one year from the passage of this act, on notice to them in writing, made by at least five freeholders of said county, to let the work of erecting such passage way, or chute, and providing the materials therefor, to the lowest responsible bidder; and all expense attendant upon the erection or maintenance of the same shall be paid by the owner or owners, or occupant of said dam; which shall be recovered in the name of the person or persons so taking said job and building said passage way, or chute, upon the acceptance of the same by said commissioners.

Duty of commissioners in case of neglect to erect chutes, etc.

Applicable to  
dams owned  
by state.

SEC. 3. The provisions of the first section of this act shall extend to dams owned by the state across such streams; and the board of public works is hereby empowered and directed to cause the erection of such passage ways, or chutes, wherever required by this section.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed January 31, 1871.

### AN ACT

To change the time fixed for holding the first term of the court of common pleas for the year 1871, in the county of Lucas.

Change of  
time in hold-  
ing first term  
in 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time for holding the first term of the court of common pleas for the year 1871, in the county of Lucas, as fixed by the judges of the fourth judicial district, be, and the same is hereby changed; and that said term be held on the thirteenth day of February, instead of the sixth day of February, in said year, as fixed by said judges.

SEC. 2. This act shall be in force from and after its passage.

J. R. COCKERELL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed February 2, 1871.

### AN ACT

To change the time fixed for holding the last term of the court of common pleas for the year 1871, in the counties of Auglaize and Van Wert.

Change of  
time for  
holding last  
terms in 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time for holding the last term of the court of common pleas for the year 1871, in the counties of Auglaize and Van Wert, as fixed by the judges of the third judicial district, be changed, and that the said terms be held as follows: In the county of Auglaize on the eighteenth day of September, A.D. 1871, and in the county of Van Wert, on the thirtieth day of October, A.D. 1871.

SEC. 2. That this act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed February 3d, 1871.

## AN ACT

Supplementary to an act entitled "an act to authorize the city of Toledo to enter upon and occupy a part of the Miami and Erie canal as a public highway, and for sewerage and water purposes," passed March 26, 1864. (O. L. vol. 61, p. p. 67, 618.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whatever interest remains to the state of Ohio in the bed of that part of the Miami and Erie canal which has been abandoned in pursuance of the act entitled "an act to authorize the city of Toledo to enter upon and occupy a part of the Miami and Erie canal as a public highway, and for sewerage and water purposes," passed March 26th, 1864, is hereby relinquished and transferred to the city of Toledo; provided said city shall be responsible for any and all damages that may accrue by reason of such relinquishment and transfer; provided further that the governor in behalf of the state, shall execute and deliver to said city of Toledo, a grant or quit claim, in conformity with this act. The attorney general shall prepare the form of said grant or quit claim.

Certain interests transferred to Toledo.

Provisos.

SEC. 2. This act shall be in force from its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed January 31, 1871.

## AN ACT

To amend an act, passed March 19, 1868, (S. & S., 744) entitled "an act supplementary to an act entitled an act to establish a code of civil procedure," passed March 11, 1853. (S. & C., 940.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the said supplementary act be amended as follows:

Section 1. That in any case in which a judgment has been

Rights, &c.,  
of sureties in  
certain cases.

or may hereafter be rendered in any court, whether a court of record or not, against two or more persons in which it is certified that one or more of said persons against whom such judgment was rendered is or are surety or sureties, or bail, such surety, sureties or bail, if he, she or they shall pay, or have paid such judgment or any part thereof, shall, to the extent of such payment, stand in the place of and have all the rights and remedies against the principal debtor or debtors that the plaintiff therein had at the time of such payment; and if such judgment at the time of such payment is, or shall thereafter become dormant, the surety, sureties or bail so paying, shall have the right to revive the same as the plaintiff might have done if the payment had not been made; but all process and proceedings for or on behalf of such surety, sureties or bail, shall be in the name of such surety, sureties or bail, or their legal representatives, and no costs in that behalf shall accrue against or be taxed to the plaintiff in the original action.

SEC. 2. Said supplementary act is hereby repealed, and this act shall take effect from its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed February 6th, 1871.

## AN ACT

To authorize the election of an additional Judge of the Court of Common Pleas in the second subdivision of the Fourth Judicial District of the State of Ohio.

Additional  
judge for 2d  
sub-division  
of fourth dis-  
trict.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the fourth judicial district there shall be an additional judge of the court of common pleas, who shall be a resident of the second subdivision of said district, which is composed of the counties of Summit, Medina and Lorain, and who shall be elected by the qualified electors of said subdivision at the annual election for township officers on the first Monday in April, 1871: which election of such additional judge shall be held and the returns thereof made in accordance with the laws now in force regulating the election of state and county officers.

His term of  
office, duties,  
&c.

SEC. 2. That the term of office of such additional judge shall begin on the first Monday in May, 1871, and he shall qualify in the same manner, hold for the same term, be elected with the same powers, duties and jurisdiction, and be liable to the same penalties as are now or may hereafter be conferred and enjoined by the constitution and laws of the state of Ohio upon other judges of said court.

His compen-  
sation.

SEC. 3. That such additional judge shall receive the same compensation that now is or hereafter may be allowed to

other judges of said court; and whenever a vacancy shall occur in his office, whether by expiration of term or otherwise, such vacancy shall be filled as in vacancies in the office of other judges of said court. Vacancy.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed February 6, 1871.

## AN ACT

Making appropriations for payment of interest and principal of the State debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from any money in the treasury, by transfer or otherwise, and that may come into the treasury belonging to the sinking fund, as follows: Appropriation.

To pay interest on the funded (foreign and domestic) debt of the state, five hundred and eighty thousand dollars. Interest of funded debt.

To pay interest on the irreducible debt or trust funds held by the state, two hundred and seven thousand five hundred dollars. Of irreducible debt.

To pay upon the principal of the funded (foreign and domestic) debt of the state as required by the constitution, together with such sums in addition as may come into the treasury applicable to the purpose, the sum of three hundred and two thousand five hundred and sixty dollars. Principal of funded debt.

To pay in part accrued interest since January 1, 1871, upon the agricultural and mechanical college fund, in pursuance of and in accordance with the provisions of the act entitled "an act to establish and maintain an agricultural and mechanical college in Ohio," passed March 22, 1870, such sums as may be required by the trustees of said college to "endow, support and maintain the same," not to exceed in all the sum of seven thousand dollars; and such amount of accrued interest as may not be required by said trustees shall be re-invested semi-annually, as provided in the act passed February 10, 1870. Interest of agricultural college fund.

To pay expenses of the office of the commissioners of the sinking fund, including salary of clerk, eighteen hundred dollars. Expenses.

SEC. 2. This act to take effect upon its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed February 6, 1871.

## AN ACT

To amend the one hundred an forty-sixth section of an act entitled "an act to provide for the settlement of the estates of deceased persons," passed March 23d, 1840. (S. & C., p. 593.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and forty-six of the above recited act be so amended as to read as follows:

When sale to  
be made at  
vendue, and  
when at pri-  
vate sale.

Section 146. The sale shall be made at public vendue, at the door of the court-house in the county in which the order of sale shall have been made, or at such other place as the court may direct; provided, however, that if it is made to appear to the court that it will be more for the interest of said estate to sell such real estate at private sale, the court may authorize said petitioner or petitioners to sell the same, either in whole or in part, for cash in hand, or upon deferred payments, not exceeding two years, with interest; and in no case shall such real estate be sold at private sale for less than the appraised value thereof.

SEC. 2. That said original section 146 be, and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed February 9, 1871.

## AN ACT

To amend section seven of the act entitled "an act authorizing county commissioners to purchase land for the use of court houses, jails and county infirmaries, and to erect buildings thereon; to build bridges, and to prescribe their duties in the construction of, addition to, or alteration of any court house, jail, county infirmary or bridge, and to repeal sections four and five of the act passed March 3, 1831, entitled an act providing for the erection of public buildings" (S. & C., vol. 2, page 1229,); the act entitled an act granting additional authority to county commissioners for infirmary purposes, passed April 16, 1867, (S. & S., 537,); the act entitled an act to amend section three of an act entitled an act further to prescribe the duties of county commissioners, passed April 8, 1856, as amended April 4, 1866, passed May 9, 1868, (S. & S., 87,); sections

twenty, twenty-one and twenty-three of the act entitled "an act for the relief of the poor," passed February 23, and took effect May 1, 1855, (S. & S., 525.); and sections seven and eight of the act entitled an act prescribing the rates of taxation for state, county, township, city and other purposes, passed April 30, 1862, (S. & S., 777.); passed April 27, 1869, (O. L., vol. 66, page 52).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the above recited act be so amended as to read as follows :

Section 7. That in all cases where it shall become necessary for the commissioners of any county to erect, or cause to be erected, any court house, building for county offices, jail or infirmary, or when it shall be necessary to make any addition to or alteration of any such building, such commissioners, before entering into any contract for the erection, alteration of, or addition to such building, or for the supply of materials therefor, shall make, or procure some competent architect to make a full, complete and accurate plan or plans of such court house, jail or infirmary, or of any addition to or alteration thereof in all its parts, showing all the necessary details of the work, together with working plans suitable for the use of the mechanics or other builders during the constructing thereof, so drawn and represented as to be plain and easily understood, and also accurate bills showing the exact amount of all the different kinds of materials to be used in the erection thereof, addition thereto, or in the alteration and improvement thereof, to accompany said plan or plans, and also full and complete specifications of the work to be done, showing the manner and style in which the same will be required to be done, and giving such direction for the same as will enable any competent builder to carry them out, afford to bidders all needful information to enable them to understand what will be required in the construction, addition to, alteration or improvement of any court house, jail or infirmary, and to make, or cause to be made a full, accurate and complete estimate of each item of expense, and the entire aggregate cost of such court house, jail or infirmary, or of any addition to, alteration or improvement thereof, when completed. And where it shall become necessary to erect, or cause to be erected, any bridge, such commissioners shall determine the length and width of such bridge, whether the same shall be of single or double track, and shall advertise, as in the ninth section of this act provided, for proposals for performing the labor and furnishing the materials necessary to the erection thereof; and the commissioners may, but are not required to prepare or cause to be prepared plans, descriptions and specifications for such bridge, which shall be kept on file in the auditor's office for inspection by bidders and all persons interested, and invite bids or proposals in accordance with the same; but they shall also invite, receive and consider proposals on any other plan at the option of bidders,

Plans and  
bills of ex-  
penses, &c.,  
for buildings.

Relative to  
bridges.

Proposals for  
materials and  
work.

Plans, &c., to  
be filed.

Repeal.

and shall require that all proposals on such other plan shall be accompanied with plans and specifications showing and setting forth the number of spans, the length of each, the nature, quality and size of the materials to be used in the erection of such bridge, the strength of the structure when completed, and the separate cost of base and superstructure when any proposal includes both, and also whether there is any patent right on the proposed plan, or on any, and if any, what part thereof. And the said commissioners shall, in their advertisement for proposals, invite bidders to make the same for furnishing all the materials and performing all the work, or for such parts thereof as bidders may see proper, and shall state the time and place when and where bids will be opened and the contract or contracts awarded, at which time and place, or at a time to which they shall publicly adjourn the consideration of the same, they shall publicly open, read and examine such proposals as may have been made, and shall award the contract or contracts for the furnishing of the material for and for the erection of such bridge as a whole, or in parts, to the person or persons giving security as required by law, who shall be the lowest and best responsible bidder or bidders, considering price, plan, material and method of construction. And the plan or plans and specification or specifications upon and according to which such contract or contracts may be awarded, shall be kept on file in the office of the auditor, and shall be, and be made a part respectively of the contract or contracts with the successful bidder or bidders as in this act provided for other contracts. And when it shall be necessary to make any addition to, or alteration or repairs of any bridge, the said commissioners shall, in making contracts for the same, conform to the provisions of this section in relation to the erection of bridges as nearly as the nature of the case will permit.

SEC. 2. That section seven of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,

*President of the Senate.*

Passed February 16, 1871.

## AN ACT

To establish a Superior Court for Greene county.

Superior  
court in  
Greene  
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be, and hereby is, established within the county of Greene, a court of record, which shall be styled "The superior court of Greene county," and which

shall be held by one judge, who shall be elected by the electors of Greene county, and shall hold his office for the term of three years.

SEC. 2. The first election for judge of said court shall be held at the annual election for township officers on the first Monday of April, 1871, and the official term of said judge shall commence on the first day of May, 1871; all subsequent elections for judge of said court shall be held on the second Tuesday of October, next preceeding the expiration of the regular term of any such judge; and in case the office of any such judge shall become vacant before the expiration of the regular term for which he shall have been elected, the vacancy shall be filled by appointment by the governor, until the office shall be filled by a successor duly elected and qualified, and in case a successor shall not have been previously elected, such successor shall be elected for the unexpired term on the second Tuesday of October that next occurs more than thirty days after the vacancy shall have happened.

Election of judges.

Vacancies.

SEC. 3. The election for judge of said court shall be held in the county of Greene, and shall be conducted and the returns thereof made in accordance with the laws now in force, regulating the election of state and county officers, except that the abstract and certificate of the first election shall be transmitted by the clerk of the court of common pleas of Greene county, to the governor, who shall issue a commission to the person elected.

Returns of elections, &c.

SEC. 4. The judge of said court shall take the same oath and be removed for the same causes as judges of the court of common pleas.

Oath, and removal.

SEC. 5. The said court shall have a seal, to be provided by the secretary of state, at the expense of the state, having the same device as the seal of the court of common pleas, except that there shall be engraved around the margin thereof, the words "Superior court of Greene county," instead of the words "common pleas of the county of ———."

Seal of court.

SEC. 6. The clerk of the court of common pleas of Greene county shall be the clerk of said court hereby established; and besides the bond now required of him by law, shall give an additional bond, in not less than ten thousand dollars, nor more than thirty thousand dollars, to the acceptance of the commissioners of Greene county, conditioned that he will truly and faithfully pay over all moneys that may be by him received in his official capacity as clerk of said superior court of Greene county, and that he will enter and record all the orders, decrees, judgments and proceedings of said court, which he may by law be required to enter and record, and faithfully and impartially discharge and perform all the duties of said office.

Clerk of court.

SEC. 7. Sheriffs, coroners and constables shall be bound to attend said court, preserve order, and execute its process, as they are required to do in the court of common pleas, and all laws now in force, or which may be enacted, prescribing the duties and liabilities of such officers and the mode of proceeding against them, or either of them, for any neglect

Duty of sheriffs, constables, &c.

	of official duty, allowing fees, and providing for the collection thereof in the court of common pleas, shall be held and deemed to extend to said superior court of Greene county, unless the same are, or shall be, plainly inapplicable.
Place of holding court.	SEC. 8. The superior court of Greene county shall be held at the court house in Xenia, or at such other convenient place in said city, as the commissioners of Greene county shall provide.
Terms thereof.	SEC. 9. The terms of said court shall commence on the first Monday of every month, except the months of July and August, in which months terms may be held, if directed by said court at any previous term, and the terms thereof shall be respectively called after the different months in which they are held, and they may be continued and held from the time of their commencement every day, Sundays excepted, until and including the last Saturday before the first Monday of the next month.
Adjournments.	SEC. 10. The judge of said court may dispense with any term of said court, adjourn the same on any day previous to the expiration of the term, for which the same may be held, and also from any one day in the term, over to any other day in the same term, if, in his opinion, the business of the court will admit thereof.
The same.	SEC. 11. In case said court shall not be held at the time appointed, or any term thereof shall be interrupted by reason of the non attendance of the judge thereof, it shall be lawful for the clerk of said court to adjourn the same from day to day or until the next term, and all process and other proceedings shall be continued over accordingly.
Powers, jurisdiction, &c.	SEC. 12. The said superior court of Greene county shall have the same powers, authority and original and appellate jurisdiction in civil actions and other proceedings as by the constitution and laws have been or may be conferred upon the court of common pleas, except that said superior court shall have no jurisdiction in criminal or bastardy cases, nor in application for divorce and alimony, nor for alimony, nor for the benefit of the laws for the relief of insolvent debtors.
Summons.	SEC. 13. Where any action is rightly brought in said superior court, a summons shall be issued to any county against one or more defendants at plaintiff's request.
Power to vacate, &c.	SEC. 14. Said court shall have the same power to vacate or modify its own judgments or orders during or after the term, and to enter judgments by confession, as is or may be vested by law in courts of common pleas.
Process to be sealed, &c.	SEC. 15. The process of the said superior court shall have the seal affixed, and be attested, directed, served and returned, and be in form as is or may be provided for, the process of the court of common pleas varying only in the style of the court, and to conform as far as may be necessary to its terms.
Rules, &c.	SEC. 16. Said superior court shall have full power to classify and distribute the business therein as may be necessary; to make rules and regulations for practice therein; to appoint masters, receivers and other officers necessary to

facilitate its business; to direct as to the mode of proceeding by or before said officers, and to tax costs.

SEC. 17. All laws now in force or which may hereafter be enacted conferring powers, authority and jurisdiction in civil cases and other proceedings upon the courts of common pleas or district courts, giving them power to hear and determine cases, and to preserve order and punish contempt, regulating their practice and forms of process, prescribing the force and effect of their judgments, orders and decrees, and authorizing or directing the execution thereof, shall be held and deemed to extend to the said superior court of Greene county as fully as they extend to the said courts of common pleas and district courts, unless the same be inconsistent with the act or plainly inapplicable; and the said superior court of Greene county, in respect to the form and manner of all pleadings therein, and the force and effect of its judgments, orders or decrees, shall be deemed and held a court of general jurisdiction; and said court shall sign bills of exceptions if required, the same as is provided for in trials in the courts of common pleas.

Applicability  
of laws in  
force.

SEC. 18. A judgment rendered or final order made by said superior court of Greene county, may be reversed, vacated or modified by the district court or supreme court for errors appearing in the record; but the petition in error in the supreme court can be filed only by leave of the supreme court or a judge thereof, in the same manner within the same time as is now, or may be hereafter provided, for reversing, vacating, and modifying the final judgments, orders, or decrees of the courts of common pleas or district courts; and parties to actions in said superior court shall be entitled to second trials or appeals, as the case may be, as parties now are under existing laws and laws that may hereafter be enacted providing for and regulating second trials in, and appeals from, the courts of common pleas.

Reversal,  
&c., of judgments.

SEC. 19. That in addition to the number heretofore apportioned and selected in said county to serve as jurors, there shall hereafter be apportioned in the manner provided by existing laws and acts supplementary and amendatory thereto, such number as may be certified by the judge of said superior court as necessary to serve therein for any one year; and the clerk of the court of common pleas of said county shall, at least thirty days previous to each term of said superior court, unless otherwise ordered by the judge of said court, draw in the manner provided in said act, the names of twelve persons to serve as petit jurors; and the clerk of said superior court shall forthwith issue a venire facias to the sheriff of said county, commanding him to summon the persons whose names shall have been drawn as aforesaid, to attend as petit jurors at the court-house in Xenia, on the first day of the next term of said superior court, who shall receive like fees and be paid the same in like manner as petit jurors in the courts of common pleas.

Apportionment of jurors.

SEC. 20. The judge of said superior court of Greene county, in the exercise of the jurisdiction hereby conferred, and in

Power and authority of

in recess.

granting remedial writs and orders shall, in the recess of said court, have the same power and authority as the judges of courts of common pleas.

Salary.

SEC. 21. The judge of said superior court of Greene county shall be entitled to receive, annually, the sum of fifteen hundred dollars, payable in equal installments, at the state treasury, on the second Monday of August, the second Monday in November, the second Monday of February, and on the second Monday of May.

Additional salary.

SEC. 22. The commissioners of Greene county, in addition to the salary provided for in section twenty-one, shall pay out of the treasury of said county, to the judge of said superior court of Greene county, the sum of one thousand dollars annually, in equal quarter yearly payments.

Removal of cases from common pleas to superior court.

SEC. 23. The parties to any suit at common law, or in chancery, or to any civil action or other proceedings originally commenced in the court of common pleas of Greene county, and now or at any time hereafter pending therein, of which the superior court of Greene county would have jurisdiction if originally commenced therein, may, by written consent, signed by themselves or their attorneys, remove the same to said superior court of Greene county; provided, that if such written consent be not obtained, the court of common pleas of said county or any judge thereof in vacation, shall have discretionary power upon motion of any party, and reasonable notice thereof to the adverse party or parties to any such suit, civil action or proceeding, to order or cause the removal of the same to said superior court. The clerk of the court of common pleas, upon the application to remove, shall make out a statement under seal, of the docket entries in such case, with a statement of his costs, and deliver the same, with all the original papers in the cause, to the parties or their attorneys, taking their receipt for the same; and upon the filing of said papers with the said order or written agreement to remove, with the clerk of said superior court, he shall forthwith docket the cause, and the same shall be thenceforth considered in said court, and be proceeded in as if the cause had been originally commenced in that court, having regard to the former proceedings, the agreement or order to remove, and the costs before accrued, in the final record as may be right and proper; and when such case is removed from the court of common pleas, as aforesaid, the clerk shall enter such removal on his docket, and from thenceforth the said cause shall not be considered in that court; provided further, that any cause may be removed in like manner from said superior court to said common pleas.

Cases in which judge is interested.

SEC. 24. If the judge of said superior court shall have expressed an opinion or be interested in the event of any action pending before him, the same shall be removed for trial into the court of common pleas of Greene county under an order of said court.

SEC. 25. That this act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed February 20, 1871.

## AN ACT

'To protect the elections of voluntary political associations, and to punish frauds therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all elections hereafter to be holden by any voluntary political association or party in this state, for any delegates or managing committee, or for the nomination of candidates for public office, may be called or ordered by published notice, upon the vote of a majority of the county, city or township central or controlling committee of such voluntary political association or party of the county, city or township which may elect to accept the provisions of this act, which shall state the purpose, time, manner, conditions, together with the place or places of holding such election; also, the authority by which the call or notice is published, and the person shall be named therein who is to supervise or preside at each poll where such election is to be holden; and the said person shall be a legal voter of the township, precinct, ward or election district for which he is named. Said notice shall likewise declare the qualifications of the persons to vote at such elections; provided, that such prescribed qualifications shall not be inconsistent with those expressed in this act.

Primary elections, how called, controlled, etc.

SEC. 2. The notice required by section one of this act, shall be published in some newspaper or newspapers of general circulation printed in the district, ward, precinct, township, city or county for which the election is called, and shall be posted in at least three public places in the polling precincts of such election, at least five days prior thereto; provided, that if there be no newspaper published in the district or county, then the newspaper publication may be omitted.

Publication of notice thereof.

SEC. 3. The person named as supervisor in the notice required by section one of this act, or any person, in his absence or refusal to serve, assuming or chosen to be such supervisor of the election aforesaid, shall first be sworn or affirmed by some officer authorized to administer oaths, that he is a legal voter of the precinct, ward or district in which such election is to be held; that he will correctly and faithfully conduct such election, protect it against all frauds and unfairness, carefully and truly canvass all votes cast thereat, in such manner as may be required by the authority appointing the

Oath of supervisor of election.

Judges of election.

Penalty for violation.

Objections to person offering to vote, to be entertained.

Oath to be administered to him.

To be questioned, etc.

Penalty for violation of this section.

election; and the supervisor shall then cause the electors present possessing the qualifications of persons entitled to vote under said notice, to choose two judges of election and two clerks to assist him in receiving and taking account of the votes cast, to each of whom shall be administered, by some officer authorized to administer oaths, the same oath that has already been taken by said supervisor; and any violation of the provisions of this section shall be deemed a misdemeanor, and shall, on conviction, subject the offender to punishment by fine, not less than fifty or more than two hundred dollars, or by imprisonment in the county jail not less than one nor more than six months, or both such fine and imprisonment.

SEC. 4. It shall be the duty of the supervisor and judges of such election, to entertain objections made by any qualified elector under said published call or notice to any vote that may be offered, on the ground that the person offering it is not entitled to vote under the terms of the said call for the said election, or that he is not a citizen of the United States, a legal resident and voter of the election precinct, ward, township or district, or that he has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate, or that he has voted before at that place or some other on that day, in the same election; and it shall be the duty of said supervisor or one of the judges of election, if such objection be not withdrawn, to administer to the person so offering to vote, an oath or affirmation to the general effect that he will truly testify to all matters relating to his said qualification, under said published call, his residence, citizenship of the United States, receiving or being promised, directly or indirectly, any money, fee or reward, for his vote for any candidate, and whether he has voted at that or other place on that day at such election. It shall then be the duty of the supervisor or one of the judges of election, to interrogate the person so objected to, as to all the matters in particular upon which said objection was made, and generally as to all of said qualifications. If the person so objected to shall refuse to answer such questions, after said oath or affirmation shall have been administered, it shall be the duty of the supervisor and judges of election to reject such vote. But if such oath be taken, and such questions be answered satisfactorily, and not contradicted successfully by the sworn testimony of other witnesses, who may be called, it shall be the duty of the supervisor and judges of election, to admit the vote sworn to be qualified according to the term of the call and the provisions of this act, having the word "sworn" noted opposite the party's name on the poll list. And any violation of the provisions of this section by the supervisor and judges of election, shall be deemed a misdemeanor, and shall, on conviction, subject the party offending to punishment as prescribed in section three of this act. And any person who shall, upon taking such oath or affirmation, and under the examination herein authorized, willfully make a false statement to a matter pertinent and material in such

examination, shall be deemed guilty of the crime of perjury, and on conviction be punished as prescribed by law.

SEC. 5. Any person who is not a citizen of the United States, or who is not qualified to vote in the county, township, ward or election district wherein the election is held at the next coming state, county or municipal election, or any person who shall vote after objection is made and sustained as specified in section four, or any person who shall vote more than once at the same or different precinct or polls, on the same day in the same election, whether such objection be made or not, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine, not exceeding one hundred dollars, and by imprisonment in the county jail, and be fed on bread and water only, not less than ten nor more than thirty days.

Penalty for  
fraudulent  
voting.

SEC. 6. Any candidate or other person, who shall offer any money, fee or reward, directly or indirectly, to any elector to influence his vote at any election held under the provisions of this act, or any person who shall receive said money, fee or reward for his vote, shall be deemed guilty of a misdemeanor, and shall, on conviction, be subject to the same punishment prescribed in section three of this act and in addition, shall be disqualified from voting hereafter at any election held under the provisions of this act. And any person who shall endeavor, by threat or otherwise, to intimidate any elector, or any supervisors or judges of election, or shall interfere or disturb in any manner any election held under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, and imprisonment in the county jail, and be fed on bread and water, not less than twenty nor more than thirty days.

Penalty for  
attempt to  
corrupt  
voter, etc.

SEC. 7. Any voluntary political association or party in any county, city or incorporated village, that shall elect to invoke the protection and subject itself to the provisions of this act, shall at the time of publication of notice provided for in section one, declare that such election therein called will be held in pursuance of and subject to the provisions of this act, under the title of the primary election law; and in the event, such notice last aforesaid, shall be published and not otherwise, the provisions of this act shall be applicable and in force in respect to said election.

When this  
act to be ap-  
plicable.

SEC. 8. Indictment under the provisions of this act shall be found by the grand jury of the proper county. This act shall take effect and be in force from and after its passage; and no expense shall be incurred to the county or state in the conduct of elections under its provisions.

Indictment  
for violation  
of this act.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed February 24, 1871.

## AN ACT

Authorizing the grant of the right of way to the Columbus, Springfield and Cincinnati Railroad Company, through certain lands belonging to the state, and the conveyance of part of said lands to said company.

Terms of  
right—deed  
for right of  
way, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That on the payment into the state treasury by the Columbus, Springfield and Cincinnati railroad company of the sum of twenty-four hundred dollars, the governor be and he is hereby authorized and required by proper deed to grant to said railroad company and its assigns a right of way, one hundred feet wide, for said railroad, through and over the tract of land in Franklin county, known as the old state quarry tract, entering said tract on its east line forty-two rods north of the line of the Columbus and Xenia railroad, and running in a course south of west in a direct line to the southwest corner of the lot known as the Soldiers' Home, and also through and over a tract of land in said county, purchased by the state from William S. Sullivan, for the Central Lunatic Asylum, entering said tract eighty rods eastwardly from the northwest corner of said tract, and running thence, by a curve, south of west to a point in the west line of said tract forty-five rods south of said northwest corner; and also to convey to said Columbus, Springfield and Cincinnati railroad company and assigns, so much of said last named tract as lies north of said right of way, estimated to contain seven and one-third acres.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed February 24, 1871.

## AN ACT

To repeal the fourth section of an act entitled "an act to provide for struck juries, and to secure fairness and impartiality in their selection," passed May 5, 1868. (S. & S., page 407.)

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of an act entitled "an act to provide for struck juries, and to secure fairness and impartiality in their selection," passed May 5, 1868, be and the same is hereby repealed.

SEC. 2. This act shall be in force and take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed February 24, 1871.

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AN ACT

To require forfeited recognizances to be returned to county auditors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of probate judges, prosecuting attorneys, clerks of the court of common pleas, clerks of police courts and justices of the peace, to return to the county auditor of their respective counties all forfeited recognizances in state cases immediately after forfeiture.

Forfeited recognizances to be returned to county auditor.

SEC. 2. That it shall be the duty of the county auditor to make a memorandum thereof in a book kept for that purpose, of the court in which taken, name of the case, name of all parties, the date, the amount, and the person to whom delivered and time, and the final disposition thereof.

Memorandum thereof.

SEC. 3. It shall be the duty of the auditor to deliver the same to the prosecuting attorney for collection, and take his receipt therefor.

To be delivered to prosecuting attorney.

SEC. 3. This act shall take effect from its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed February 24, 1871.

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AN ACT

For the enlargement of a culvert on the canal feeder connecting the Mercer county reservoir with the Miami and Erie canal, near St. Mary's, in Auglaize county, Ohio.

WHEREAS, The state of Ohio did, on the construction of the aforesaid canal feeder, build a culvert under said feeder, near the town of St. Mary's, in said county of Auglaize, Ohio, which is entirely too small to pass the volume, or quantity of water, which is conveyed to it by the stream running into and through it, and will be much more inadequate to discharge the waters as the country becomes cleared up and ditched; and

WHEREAS, The citizens living and owning property on

said stream and near the said culvert are, and must continue to be, damaged in property, in consequence of the overflow of their lands, unless said culvert be enlarged; therefore,

Board of  
public works  
to enlarge  
culvert, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works are authorized to enlarge the said culvert under, or construct an aqueduct in the feeder aforesaid, at the least practicable cost, not exceeding three thousand dollars; provided, that said board shall advertise in some newspaper printed and of the largest circulation in said Auglaize county, and in one newspaper printed and of general circulation in the county of Mercer, for sealed proposals for the work herein authorized, giving specifications, and time and place of receiving and opening said proposals, and shall award the contract for such work to the lowest bidder or bidders, giving good security for the execution of his or their contract.

SEC. 2. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed February 24, 1871.

## AN ACT

To authorize and require the board of public works to construct a berme bank and culvert below lock 28, on the Miami and Erie canal.

WHEREAS, By the construction of the Miami and Erie canal, a pond covering from forty five to fifty acres of valuable farming lands, was created at the foot of lock 28, north of Loramie Summit, on said canal, injurious to the health, convenience and welfare of the inhabitants of Ottoville and vicinity; therefore,

Board of public  
works to  
construct,  
etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works be and the same are hereby authorized, if they deem the same necessary, and that in their judgment the work should be done by the state, to build and construct such a berme bank and culvert below lock 28, on the Miami and Erie canal, as the resident engineer may suggest, and will be necessary to drain the above mentioned pond, at a cost not exceeding two thousand eight hundred dollars.

SEC. 2. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed February 24, 1871.

## AN ACT

To amend section forty-two of an act entitled "An act for the assessment and taxation of property in this state, and for levying taxes thereon according to its true value in money," passed April 5th, 1859, (S. & C., 1438,) as amended by section seven of an act passed May 8, 1868, (S. & S. 751.)

SECTION I. *Be it enacted by the General Assembly of the State of Ohio*, That said section forty-two be so amended as to read as follows:

Section 42. The state board of equalization shall consist of as many members as compose the state senate chosen at the last previous election of members of the general assembly, and representing the same districts, all of whom shall have the qualifications of electors; and the qualified electors of each senatorial district shall, at the October election, in the year one thousand eight hundred and eighty, and each tenth year thereafter, elect persons to serve as members of such board of equalization, in accordance with the provisions of this act; and the returns of the poll-books and certificate of election shall be governed by the law regulating the election of senators; and in case of vacancy in such office, either by death, resignation, or otherwise, the governor of the state shall have the power to appoint a person, who shall be a resident elector of the district so vacated, to fill such vacancy, as soon as he shall be informed thereof; the auditor of state shall, by virtue of his office, be a member of this board. The said board shall meet at Columbus on the first Tuesday of December, one thousand eight hundred and eighty, and every tenth year thereafter, and the members thereof shall each take an oath or affirmation that he will, to the best of his knowledge and ability, so far as the duty devolves on him, equalize the valuation of real property among the several counties and towns in the state, according to the rules prescribed by this act for valuing and equalizing the value of real property; and having received from the auditor of state the abstracts of real property transmitted to him by the several county auditors, said board shall proceed to equalize the same among the several towns and counties in the state, in the manner hereinafter prescribed: 1st They shall add to the aggregate value of the real property of every county which they shall believe to be valued below its true value in money, such per centum, in each case, as will raise the same to its true value in money. 2d. They shall deduct from the aggregate valuation of the real property of every county, which they shall believe to be valued above its true value in money, such per centum, in each case, as will reduce the same to its true value in money. 3rd. If they shall believe that right and justice require the valuation of any town or towns in any county, or of the real property of such county not in towns, to be raised or to be reduced, without raising or reducing the other real property of such county, or reducing it in

Constitution,  
election, &c.,  
of board of  
equalization.

Sessions of  
the board—  
oath.

Duties.

the same ratio, they may, in every such case, add to or take from the valuation of any one or more of such towns, or of property not in towns, such per centum as they shall believe will raise or reduce the same to its true value in money. 4th. If in their judgment the aggregate value of all the real property of the state as returned by the county auditors is above or below its true value in money, they may increase or reduce it, but such increase or reduction shall not exceed twelve and one-half per centum of said aggregate; provided, that if any increase or reduction shall be made in the valuation of the grand aggregate, it shall only be made after the equalization of all the counties of the state, and when such increase or reduction is made, it shall be the same per cent. of the equalized valuation in every county of the state. 5th. Said board shall keep a true and full account of their proceedings and orders; provided, that all the provisions of this act shall apply to and govern the action of the state board of equalization elected at the October election, in the year one thousand eight hundred and seventy.

SEC. 2. This act shall take effect and be in force from and after its passage.

SEC. 3. That said section seven of the above recited act be and the same is hereby repealed.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed March 2d, 1871.

## AN ACT

To authorize the election of one additional judge of the court of common pleas in the first subdivision of the fourth judicial district of the state of Ohio.

District  
judge in first  
subdivision  
of fourth  
district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be one additional judge of the court of common pleas in and for the fourth judicial district of the state of Ohio, who shall be a resident of the first subdivision thereof, and who shall be elected by the qualified electors of the counties of Lucas, Sandusky, Huron, Erie and Ottawa, comprising said first subdivision.

His election.

SEC. 2. That the first election for said additional judge shall be held on the first Monday in April, A. D. 1871, and his term of office shall commence on the second Monday in May thereafter, and which additional judge shall again be elected at the annual election in October, A. D. 1875, and every five years thereafter, in the same manner and for the same term of office as is prescribed by the constitution and laws of the state of Ohio for the election of other judges of said court.

SEC. 3. That it shall be the duty of the sheriff in each county in said subdivision, at least fifteen days prior to said first Monday in April, A. D. 1871, to give notice by proclamation, as is now provided by law, of the time and place of holding such election, which shall be conducted and the returns thereof made in the same manner as required by law in case of the election of judges of the court of common pleas.

Duties of  
sheriffs.

SEC. 4. That said judge, when elected and qualified, shall receive the same compensation as other judges of said court, and shall, also, in every respect, have the same jurisdiction, possess the same powers, discharge the same duties and incur the same penalties as are now or may hereafter be enforced or enjoined by the constitution and laws of the state of Ohio upon other judges of said court.

Compensa-  
tion, jurisdic-  
tion, etc. of  
Judge.

SEC. 5. That when a vacancy shall occur in the office of said additional judge, whether by the expiration of his term of office or otherwise, such vacancy shall be filled as in vacancies in the office of the other judges of said court.

Vacancy.

SEC. 6. That this act shall be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 10, 1870.

## AN ACT

To promote the safety of travelers upon "railways" in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every railroad company conveying passengers in this state shall provide their passenger cars, in their trains, with a flexible or movable bridge or apron of the full width of the opening between the railings attached to the platforms of their cars, with side boards or net-work of strap iron or large wire, or other suitable material, at each side of said bridge or apron, of at least equal height with the ordinary railings upon said platforms, or some other apparatus or arrangement equally efficient, so as to enable passengers to pass from car to car with safety.

Bridges or  
aprons must  
be provided  
for passen-  
ger cars.

SEC. 2. Any railroad company not complying with the provisions of this act on or before the first day of September, 1871, shall be subject to a penalty of one hundred dollars for each and every day of such neglect; said penalty to be recovered in an action upon this statute, in the name of the state of Ohio, and paid into the state treasury.

Penalty for  
non-compli-  
ance with  
this act.

Exceptional cases.

SEC. 3. Nothing herein contained shall require any railroad company to provide an apron or bridge between the platform of any freight car and the platform of a passenger car attached to a freight train.

Commissioner of railroads to enforce this act.

SEC. 4. It shall be the duty of the state railroad commissioner, to see that the provisions of this act are enforced.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 10, 1871.

## AN ACT

To regulate the platting of lands and laying out of streets in municipal corporations.

Councils to appoint commissions to plat lands, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the council of any municipal corporation, whenever it shall be, in their opinion, expedient, and whenever the corporate limits shall be enlarged, to appoint a commission to plat such portions of the territory within its limits, in which the necessary or convenient streets or alleys have not already been accepted by the corporation so as to become public streets, as they may by resolution declare, or the whole of such territory, if they think proper. Such commission shall consist of five members, to be appointed by the council, who shall serve without compensation, and shall hold their office until the completion of their work, unless removed by council. Council shall have power to fill all vacancies caused by removal or otherwise. The commission shall have power to employ an engineer, and such assistants as they may find necessary, and fix their salaries within limits to be prescribed by council. It shall be their duty to make a plat of the territory which they are ordered to lay out, as soon as they can conveniently do so, showing the location of the streets and alleys already dedicated and those proposed; and for the purpose of making the necessary surveys they shall have power to enter upon all property within the limits of the corporation. When the whole plan, or any portion thereof, is completed, or when the location of any avenue, street, roadway or alley has been finally determined upon by said commission, a plat of said plan, avenue, street, roadway or alley shall be placed in the office of the city civil engineer, for the inspection of persons interested, and notice that it is ready for inspection shall be published in one or more newspapers of general circulation within such municipal corporation, for six consecutive weeks. During these six weeks the commission shall hold sessions at a week, at a time and place stated in the advertisement at such other times and places as they may deem any objections that may be urged against any

Powers and duties of commissions.

portion of the said plat, or the location of any avenue, street, roadway or alley, and they shall make such alterations therein as they may deem proper. At the end of that time they shall cause copies of the plat, as finally adopted, to be made out, and such monuments or marks as they may think proper to be placed on the grounds, and shall deposit one copy, certified to by them, in the office of the county recorder, and another in the office of the city civil engineer, and such plan shall be deemed and taken to be the regularly adopted plan for streets and alleys in said territory; and no streets or alleys, except those laid down on such plan, shall subsequently be in any way accepted as public streets or alleys by the municipal corporation, nor shall any of the public funds be expended in the improvement or repair of streets or alleys subsequently laid out and not on such plat; provided, however, that nothing herein shall be construed to prevent any municipal corporation from exercising the power of condemnation in any of the cases where it is now or may hereafter be by law authorized to condemn and appropriate property to public use, although it be not shown as a street on such plat.

SEC. 2. The owners of any portion of the ground so plated may at any time, by a declaration of their intention so to do, properly acknowledged and recorded in the county recorder's office, accept such plan so far as it concerns their property, and such acceptance, or the selling of lots referring to the plan or the streets and alleys therein laid out, shall be a statutory dedication of the streets and alleys in the property described in the acceptance, or of the streets or alleys called for in the description of the lots so sold, so far as the grantor has a right to dedicate the same.

Owners of lands, etc., may accept plans of streets, etc.

SEC. 3. When municipal corporations adjoin each other, it shall be lawful for the councils of such municipal corporations to agree among themselves, in any manner they may determine, upon the appointment of a joint commission for the purposes of this act. Such commission, when appointed, shall have all the power over the territory of the municipal corporations described in the resolutions of the councils that is hereby given to a commission appointed by a single city council.

Joint commissions in certain cases.

SEC. 4. Whenever any municipal corporation or corporations, subsequently to the filing of a plat as authorized in this act, shall desire to open any street or alley, or portion of a street or alley, laid down on such plat, it shall be unlawful for the jury, in assessing the amount of compensation to be paid to the owner of the property taken, to include any damages for the destruction or taking of any buildings or improvements erected or made either wholly or partially, within the limits of any street or alley laid down on such plat, subsequently to its adoption.

Improvements subsequent to adoption of plat shall not be paid for.

SEC. 5. Plans, after adoption, can be amended by the same proceedings by which they were originally adopted.

Amendment of plans.

SEC. 6. Any commission appointed under the provisions of this act is hereby authorized, whenever it is, in its opinion, expedient, to divide the territory to be platted into districts and sub districts, having due regard to the natural con-

Division of territory to be platted.

figuration thereof, and to adopt plans for such districts and sub-districts separately in such order as they may think just, by pursuing the formalities prescribed for the adoption of a plat, and the plats for any district or sub-district so adopted shall when filed for the plan for such district or sub-district as provided for in this act; provided that the plan in such districts or sub districts shall always be adopted with reference to the general plan of improvement of the whole territory.

SEC. 7. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed March 13th, 1871.

## AN ACT

To provide for the issuing of certificates of stock to the members of manufacturing companies in the State of Ohio.

Stock holders  
entitled to  
certificate,  
etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the stockholders of all manufacturing companies heretofore or hereafter incorporated and organized under the laws of the state of Ohio, shall be entitled to and there shall be issued to them, certificates of their stock in such companies; and it is hereby made the duty of, and the president and secretary of such companies are hereby required on demand, to execute and deliver to all stockholders certificates showing the true amount of stock held and owned by such stockholder in such company, and also showing the true amount of any money paid for and on account of such stock.

SEC. 2. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed March 13, 1871.

## AN ACT

Supplementary to an act entitled "An act for the Organization and Government of Municipal Corporations," passed May 7, 1869. (O. L., vol. 66, page 149.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any city or incorporated village, in which the now sitting members of the council were elected without specification as to the length of their respective terms of office, it shall be lawful for the members of such council to proceed, at ten o'clock A. M., of the first Monday in March, 1871, at the usual place of the meeting of such council, to determine by lot, in such a manner as may be prescribed by the mayor, the lengths of the respective terms to be held by each; such lots to be cast between members sitting for the same ward in case of cities or incorporated villages that are divided in three or more wards. In case any member of such council shall refuse or fail to attend at the time and place specified for the purpose aforesaid, then it shall be the duty of the mayor to act in casting lot for such absent member, and the result of the determination by lot herein provided, shall fix the terms of office of the members of such council as fully as though they had been originally elected as contemplated by law.

Fixing terms of office of members of councils in certain cases.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed March 13, 1871.

## AN ACT

To amend an act entitled "An act to prevent and punish the adulteration of milk and cheese," passed March 23, 1865. (S. & S., 285.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the aforesaid act be amended so as to read as follows:

Section 1. That whoever shall knowingly sell to any person or persons, or sell, deliver, or bring to be manufactured to any cheese or butter manufactory in this state, any milk diluted with water or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of milk known as "strippings," with intent to defraud, or shall knowingly sell milk, the product of a diseased animal or animals, or shall knowingly furnish or deliver such milk, the product of a diseased animal or animals, to any cheese manufactory to be manufactured into cheese, or shall knowingly sell cheese or butter manufactured from milk, the product of a

Penalty for selling adulterated milk, etc.

diseased animal or animals, or shall knowingly use any poisonous or deleterious materials in the manufacture of cheese or butter, or shall knowingly keep and render any false account of the weight or quantity of milk furnished at any cheese or butter manufactory to be manufactured into cheese or butter, or sold to the manufacturer with intent to defraud the owner of said milk so furnished, shall, upon conviction thereof, be fined in any sum not less than twenty five dollars and be imprisoned in the county jail not less than ten nor more than twenty days for each offense, and liable in double the amount of damages to the person or persons, firm, association or corporation upon whom such fraud shall be committed.

Copy of law  
to be posted  
in manufacto-  
ries, etc.

SEC. 2. Each manufacturer of cheese or butter shall keep a copy of this act posted in a conspicuous place in the receiving room of his manufactory during the season of manufacturing.

SEC. 3. That original section one be and is hereby repealed.

SEC. 4. This act shall be in force and take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 14, 1871.

## AN ACT

Supplementary to the act to provide for the erection of an institution for the education of the blind, passed May 6, 1869. (O. L. vol. 66, p. 128.)

New blind  
institution to  
be made fire-  
proof, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the institution for the education of the blind be authorized, and are hereby directed, to introduce into the construction of the new building heretofore authorized to be erected by the act of May 6, 1869, means for protection against fire and loss of life, in the following particulars:

- 1st. By providing iron and stone stairs.
- 2d. By laying all floors in mortar, except the floors of corridors, lavatories and closets, which shall be made of tile or sandstone.
- 3d. By providing for cutting off the several compartments of said building by fire proof doors.
- 4th. By removing the boiler and engines into a separate building.
- 5th. By providing that the foul-air ducts shall be of non-combustible material, and laid in mortar.

6th. By separating the different sections of the roof by fire-walls. And for these purposes they are authorized to enter into contracts, which shall not exceed in the aggregate the sum of forty-three thousand dollars.

SEC. 2. This act shall be in force from its passage.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed March 18, 1871.

## AN ACT

Supplementary to an act regulating the mode of administering assignments in trust for the benefit of creditors, passed April 6, 1859.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever an assignment for the benefit of creditors hertofore or hereafter made, includes real estate situate without this state, it shall not be necessary to have such real estate appraised, but the assignee, or the trustee appointed by the court, shall sell such real estate at public or private sale, and the sale shall be confirmed, if the court find that the same has been made in good faith and for a fair price.

Real estate assigned for benefit of creditors, need not be appraised, &c.

SEC. 2. Whenever the court appoints a trustee to act in place of the assignee of the debtor, the assignee and the debtor shall forthwith convey to such trustee the title to all the real estate embraced in the assignment.

Title to be conveyed to trustee.

SEC. 3. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed March 18, 1871.

## AN ACT

For the protection of fish in the rivers, streams, creeks, lakes, ponds and reservoirs of this state, and for the repeal of an act therein named. (O. L., vol. 66, p. 348.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any person or persons to shoot fish, or put in, keep up, draw, or use any fish net, fish seine, or fish pound for the purpose of catching

Unlawful modes of catching fish.

in certain  
waters of the  
state.

fish in any of the rivers, creeks or streams within this state, at any point or place therein, above the common level at high or backwater of Lake Erie and the Ohio river, or in the waters of any lake, pond or reservoir having a surface not exceeding two thousand nor less than ten acres lying wholly within this state, whether the same be a natural or artificial lake, pond, or reservoir, except as provided in section 4 of this act.

Penalty for  
violation of  
1st section.

SEC. 2. That any person, or persons, violating the provisions of the first section of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof before a court of competent jurisdiction, shall be fined in any sum not less than ten nor more than fifty dollars, to be collected by a prosecution in the name of the state of Ohio as other fines for crimes and misdemeanors of the second class, or be imprisoned in the county jail not exceeding thirty days, or both, at the discretion of the court.

Seines, nets,  
&c., of non-  
residents  
may be at-  
tached.

SEC. 3. That if any owner of any such fish pound, fish seine, or fish net, used contrary to the provisions of this act, shall be a non-resident of the county in which the same shall be set or put down, so that service cannot be made upon him therein, any justice of the peace of said county, on complaint made under oath or affirmation, of the facts, is hereby authorized and required to issue a writ requiring the constable to attach said fish pound, fish seine, or fish net, and if the owner thereof shall fail, for thirty days after the same shall have been attached, to come before such justice and enter his appearance to a suit in the name of the state of Ohio for the penalty provided in the second section of this act, the justice shall issue his order to the constable, commanding the sale thereof, which sale shall be conducted in all respects as sale upon execution, and the proceeds of such sale shall be applied first to the payment of the costs of the proceedings, and the surplus shall be paid into the county treasury for the benefit of common schools.

Construc-  
tions of  
terms.

SEC. 4. That the words fish net, fish seine, and fish pound shall be held and construed to include all modes of catching fish in said rivers, streams, creeks, lakes, ponds, or reservoirs, by any trap or device other than hook and line, or spear, of whatever material constructed; provided, that this act shall not extend to, or include dip nets, or other nets not exceeding ten feet in length, used for the purpose of catching minnows.

Interference  
with private  
property  
unlawful,  
&c.

SEC. 5. That it shall be unlawful for any person to catch, interfere with, injure, or in any manner destroy or maliciously disturb, to the damage of the private property of another, the fish in or work connected with any private fish pond not exceeding ten acres in this state. Any person or persons violating the provisions of this section, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than ten nor more than two hundred dollars, to be proceeded for as other fines for causes and misdemeanors of the second class, or such person or persons so

convicted shall be imprisoned in the county jail not exceeding thirty days.

SEC. 6. That it shall be lawful for any person to take up, remove, or clear away any fish net, fish seine, or fish pound, placed or put in the waters of any lake, pond, or reservoir, contrary to the provisions of this act.

Removal of  
nets, &c.,  
put up in  
violation of  
this act.

SEC. 7. That the act entitled "an act for the protection of fish in the inland lakes, ponds, and reservoirs of this state," passed May 7, 1869, be and the same is hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed March 18, 1871.

## AN ACT

To provide for the incorporation of printing and publishing houses by religious denominations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any religious sect, association or denomination to establish and maintain with [within] this state, printing and publishing houses and places of business for the purpose of printing, publishing, selling and circulating moral and religious literature, books, periodicals and other similar publications, under the directions of any conference, presbytery, synod, assembly, association or other general ecclesiastical body of any religious sect, association or denomination held in the United States of America, and in conformity with rules and regulations prescribed by such conference, presbytery, assembly, association or other ecclesiastical body, held as aforesaid; and that for the purpose of establishing such printing and publishing houses and places of business, it shall be lawful for such conference, presbytery, assembly, association or other general ecclesiastical body held as aforesaid, to elect as trustees or directors of such printing and publishing house, any number of natural persons, not less than three, who shall hold their said offices until their successors shall be elected by such conference, presbytery, assembly, association or other ecclesiastical body, and who, with their successors, for the purposes aforesaid, shall be a body corporate, and may hold all kinds of estate, whether real, personal or mixed, which they may acquire by purchase, donation, devise or otherwise, in trust and used only for the purposes herein designated, and by the corporate

Establish-  
ment of  
printing  
houses, &c.,  
by sects, &c.,  
lawful.

Election of  
trustees or  
directors.

Bodies cor-  
porate, &c.

Certificate  
of their elec-  
tion.

name which they may adopt, and may sue and be sued in all courts within this state, and may transact such business as may be necessary to accomplish the purposes of such corporation, and shall generally be vested with such rights and powers, and subject to such liabilities as now are or may hereafter be conferred and imposed upon corporations of a like nature by the laws of this state; provided, that the clerk, secretary or other like officer of such conference, presbytery, assembly, association or other ecclesiastical body held as aforesaid, shall prepare and sign a certificate of the election of such persons, and shall insert therein the name by which such corporation is to be known, which certificate, together with a certificate of the persons so elected, that they have accepted the said office, shall be left for record at the office of the recorder of the county in which such business is to be carried on, whose duty it shall be to record the same in a book by him kept for that purpose; provided further, that if any such conference, presbytery, assembly, association or other ecclesiastical body heretofore held have elected trustees or directors for the above named purposes, and the clerk, secretary or other like officer of such conference, presbytery, assembly, association or other ecclesiastical body, shall prepare and sign a certificate of such election, inserting therein the name by which such corporation is to be known, and such certificate, together with the certificate of the persons so elected shall be left for such record at the office of the recorder of the county in which such business is to be carried on, it shall be deemed a compliance with the provisions of this act, and from the filing of such certificates, the trustees or directors so elected, with their successors, shall be a body corporate vested with all the powers herein conferred.

Existing cor-  
porations  
may come  
under this  
act.

SEC. 2. That any corporation which has heretofore been established by special act of the legislature of this state for any or all of the purposes named in the first section of this act, and whose charter has expired or may hereafter expire, may be renewed by a compliance with the provisions of this act on the part of the religious sect, association or denomination to which such corporation shall have belonged, or under whose direction it shall have been carried on, and the title to all property belonging to such former corporation at the date of the expiration of its charter as aforesaid, whether the same be real, personal or mixed, shall pass to and be vested in the corporation so established in conformity to the provisions of this act.

SEC. 3. This act shall be in force from and after its passage.

J. R. COCKERILL,  
*Speaker pro tem. of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed March 18, 1871.

## AN ACT

To amend the act entitled "an act to amend the first section of an act entitled 'an act to authorize counties, townships, cities and incorporated villages to issue bonds in certain cases,'" as amended March 9, 1866, (S. & S., p. 645) and the second and third sections of the same act, passed and took effect March 10, 1860, (S. & C., p. 1235) and supplementary thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act, as amended March 9, 1866, be amended so as to read as follows:

Section 1. That it shall be lawful for the commissioners of any county, the trustees of any township and the council of any city or incorporated village, which may have heretofore issued or which may hereafter issue in pursuance of any law, bonds in aid of or for purposes of public improvement, or in redemption of any pre-existing bonded debt authorized by law, and which bonds are now due and unpaid or may hereafter become due, to issue other bonds, not exceeding in amount the principal of such bonds so due or to become due; provided, that nothing herein contained shall be construed to authorize the re-issue of any bonds issued, or extension of the payment of any indebtedness incurred under the authority of any act in which provision is made for the payment thereof when due by specific levies and assessments, or where bonds have been issued to contractors or others and received by them in payment or part payment for labor done or materials provided for any local or special improvement; provided, that nothing herein contained shall be so construed as to authorize the creation of any new debt or debts, and the issuing of bonds therefor.

Commissioners, etc., may issue bonds equal in amount to bonds due, etc.

Proviso.

SEC. 2. That section two of the above recited act be amended so as to read as follows:

Section 2. That all bonds issued by virtue and in pursuance of the provisions of section one of the act to which this is an amendment, shall be numbered and registered by the authorities issuing them; each bond shall be for a sum not less than one hundred dollars nor more than one thousand dollars, and shall become due at any period therein named, not exceeding twenty years from its date, and shall bear interest at a rate not exceeding the rate of interest allowed by law at the time of issuing said bond or bonds, payable semi-annually by coupons thereto attached, and each bond with its coupon, may be made payable at any place designated therein; provided, however, that no bond shall be disposed of at less than its par value, and the proceeds of all such bonds shall be used for the redemption of an equal amount of the principal of bonds falling due or to become due as specified in the first section of this act, and for no other purpose whatever.

Bonds to be numbered and registered.

Amount, and when due.

Interest.

Proviso.

SEC. 3. That section three of the above recited act be amended so as to read as follows:

Powers of  
taxation.

Section 3. Said commissioners, trustees and councils issuing bonds under the provisions of this act, are hereby authorized and required to assess and levy in the usual manner, an annual tax for the payment of the interest upon said bonds; and also in addition thereto, to assess and levy such additional tax in every year as they shall find on computation to be necessary to redeem the principal of said bonds at the maturity thereof; the powers of taxation conferred in this act being special, and in addition to the powers of taxation otherwise conferred upon such commissioners, trustees and councils by law.

Investment  
of moneys,  
etc.

SEC. 4. Said commissioners, trustees and councils, shall immediately invest the money thus received by the levies and taxes in the third section of the act provided for in the purchase and redemption of the aforesaid bonds, or on failure to obtain the same, shall invest in the bonds and stocks of the United States or of the state of Ohio, any funds now in their several treasuries or which may hereafter come into the same, as the proceeds of a tax assessed and levied for the purpose of a sinking fund to pay the principal of such bonded indebtedness when the same shall fall due, until such time as said funds may be needed for the purpose for which the same was levied and collected; and all interest accrued and arising from such investments shall, as fast as the same is received, be added to and become a part of the sinking fund, and shall not be appropriated to any other use or purpose whatever.

Repeal.

SEC. 5. That section one as amended as aforesaid, and said sections two and three of said original act, be and the same are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after the passage thereof.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 22, 1871.

## AN ACT

To change the time for holding the District Court, for the year 1871, in the county of Coshocton.

Time  
changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time for holding the term of the District Court for the year 1871, in the county of Coshocton, as fixed by the judges of the sixth judicial district, be and the same is hereby changed, and that said term be held in said

county on the 24th day of June, 1871, instead of the 17th day of May, 1871, as fixed by said judges.

SEC. 2. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 22, 1871.

## AN ACT

Relative to submitting the question, "Shall there be a Convention to revise, alter or amend the Constitution?" to the electors of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the question, "Shall there be a convention to revise, alter or amend the constitution?" of this state, shall be submitted to the electors thereof, at the general election to be held therein on the second Tuesday, to wit: the tenth day of October, A. D. 1871, notice thereof shall be given by sheriffs in their proclamations, required by law to be made of such elections, and those voting at said election in favor of such convention, shall have put upon their ballots the words, "Constitutional Convention—Yes," and those voting thereat against such convention the words, "Constitutional Convention—No."

Question to  
be submitted  
to the people.

SEC. 2. That the judges of election, at such election in every voting precinct, shall cause the votes received therein in favor of such convention, to be entered in a separate column in the poll books, under the caption, "Constitutional Convention—Yes," and those received therein against such convention, in a separate column likewise, under the caption, "Constitutional Convention—No;" and they shall transmit the same, with the returns of the votes for state and county officers, to the clerks of the courts of common pleas of their respective counties.

Duties of  
judges of  
election.

SEC. 3. That said clerks shall include in the general abstracts of votes required by law to be transmitted by them to the secretary of state and president of the senate, respectively, a statement of the number of votes given in their several counties in favor of and also against such convention, together with a statement of the whole number of electors voting therein at said election; and said president of the senate, at the time and place of publishing the returns of said election, as provided by section three, article 3, of the constitution, shall publish and declare the result of the vote for and against such convention, and also the whole

Returns to  
made, etc.

number of electors voting in the state at said election returned as aforesaid.

SEC. 4. This act shall take effect on its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 30th, 1871.

## AN ACT

To amend section two of an act concerning the rights and liabilities of married women, passed April 3, and took effect May 1, 1861, (58 vol. Stat., 54. Swan & Saylor, 389.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be so amended as to read as follows:

What personal property shall be deemed personal property of wife.

Section 2. Any personal property, including rights in action, belonging to any woman at her marriage, or which may have come to her during coverture by gift, bequest or inheritance, or by purchase with her separate money or means, or be due as the wages of her separate labor, or have grown out of any violation of her personal rights, shall, together with all income, increase and profits thereof, be and remain her separate property and under her sole control, and shall not be liable to be taken by any process of law for the debts of her husband. This act shall not affect the title of any husband to any personal property reduced to his possession with the express assent of his wife; provided, that said personal property shall not be deemed to have been reduced to possession by the husband by his use, occupancy, care or protection thereof, but the same shall remain her separate property, unless by the terms of said assent, full authority shall have been given by the wife to the husband to sell, encumber or otherwise dispose of the same for his own use and benefit.

SEC. 2. That said original section two be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 30, 1870 [1871.]

## AN ACT

To amend section two of an act entitled an act to provide for the registry of births and deaths, passed April 30, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of an act entitled an act to provide for the registry of births and deaths, passed April 30, 1869, be so amended as to read as follows:

Section 2. It shall be the duty of the assessors of the several townships and wards of each county of this state to obtain annually, the foregoing statistics at the time each assessor shall make the assessment of his respective township or ward for the year ending the last of March preceding each annual assessment, and report the same to the probate judge of his county at the time of his regular report to the county auditor; and at the time of submitting his report to the probate judge, he shall state upon oath that he has made diligent inquiry in order to obtain the number of births and deaths, and other information required by this act, in his township or ward respectively. And if any assessor in this state shall fail or refuse to make such report, or to make and file the affidavit required by this act, the auditor of his county shall withhold his order until the law has been complied with to the satisfaction of the probate judge, except in counties containing cities of the first class having a population of one hundred and fifty thousand and over, in which counties it shall be the duty of the physicians and professional midwives to keep a registry of the several births in which they have assisted professionally, which shall contain, as near as the same can be ascertained, the time of such birth, sex, color of the child, the names and residence of the parents; and physicians who have attended deceased persons in their last illness, clergymen who have officiated at the funeral, and sextons who have buried deceased persons, shall keep a registry of the name, age and residence of such deceased persons at the time of their death. It shall be the duty of the physicians and professional midwives to report fully the births registered by them, as required by this act, to the judge of the probate court of the county every three months, viz.: On or before the second Monday of the months of January, April, July and October of each year. In case there is no physician or midwife in attendance at any birth, then the parents shall be required to report to the probate judge within one month; and physicians, clergymen and sextons shall likewise report fully the deaths registered by them, as required by this act, to the judge of the probate court of the county every three months as above designated; and any person who shall neglect or refuse to comply with or violate the provisions of this act, shall forfeit and pay for each offense the sum of ten dollars, to be sued for and recovered in the name of the state of Ohio, and the penalty,

Statistics to be obtained annually by township assessors.

Duties of physicians and midwives in certain cities.

—of clergymen and sextons.

when recovered, shall be paid over, one-half to the school fund, and one-half to the party making complaint thereof.

SEC. 2. That original section two, be and the same is hereby repealed; and that this act shall take effect on its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 30, 1871.

## AN ACT

To amend section three of an act entitled "an act supplementary to an act for the encouragement of agriculture," passed February 15, 1853, (S. & C., p. 67), as amended April 8, 1868, (S. & S., p. 6.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above recited act be and the same is hereby amended so as to read as follows:

When county  
 commission-  
 ers may buy  
 or lease fair  
 grounds.

When com-  
 missioners  
 may levy  
 additional  
 tax, &c.

Section 3. In all cases where any county agricultural society shall have heretofore purchased or leased for a term of not less than twenty years, or shall hereafter purchase or lease for a term of not less than twenty years, real estate as a site or sites whereon to hold fairs, the county commissioners of such county may, if they think it for the interest of such county and society, pay out of the county treasury of such county the same amount of money (or less amount) for the purchase or lease and improvement of such site or sites as shall have been or shall hereafter be paid by such agricultural society or individuals for such purpose; and such county commissioners are hereby authorized to levy a tax upon all the taxable property of such county sufficient to meet the provisions of this act. And if any county agricultural society, together with the county commissioners of such county, shall be of the opinion that the interest of such agricultural society and of such county demand an appropriation from the county treasury of such county, for the purchase and improvement of such county fair grounds, greater than that hereinbefore authorized, or without the county agricultural society of such county complying with the foregoing provisions of this act, then the county commissioners of such county may and are hereby authorized and empowered to levy a tax upon all the taxable property of such county listed on the county duplicate for taxation, the amount of which proposed tax shall be fixed by said commissioners, which tax shall in no event exceed one-half of one mill on the dollar of the taxable property of the county in addition to the amount hereinbefore authorized to be paid for such

purpose: Provided, no such additional tax shall be levied until the question as to the amount to be levied has first been submitted by the county commissioners to the qualified electors of such county at some general election, a notice of which (specifying the amount to be levied) has been given at least thirty days previous to said election in one or more newspapers published and of general circulation in the county. And those voting at such election in favor of such tax, shall have written or printed on their ballots, "agricultural tax, yes;" and those voting against the same the words "agricultural tax, no;" and if a majority of the votes cast at such general election be in favor of paying such tax, then the commissioners of such county are hereby required to levy and collect such tax the same as other taxes are collected; and that, when such tax shall have been collected by the county treasurer, the auditor shall issue his order for the amount so collected to the treasurer of said county agricultural society, on his filing with such auditor an undertaking in double the amount so collected, with good and sufficient sureties to be approved by the auditor, conditioned for the faithful paying over and accounting to such county agricultural society of all funds that may come into his hands by virtue of this act.

Balloting  
therefor.

SEC. 2. That said original section three as amended by the act of April 8, 1868, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 30, 1871.

## AN ACT

To amend section twelve of an act entitled an act providing for recording, printing and distributing the journals of the General Assembly, and the laws and public documents, passed April 8, 1856. (S. & C., page 825.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twelve of the above recited act be amended so as to read as follows:

Section 12. Each member and officer of the general assembly, for himself, and each clerk of each court of record, and each county auditor, for the use of their offices respectively, and each township clerk, for the use of the people of his township, shall be entitled to one copy of each journal and appendix, and the volume of executive documents; each university, college, academy or other literary institution which now is or may hereafter be established in this state, and the

Who entitled  
to copy of  
journals, doc-  
uments and  
laws.

national asylum for disabled volunteer soldiers, near Dayton, and the soldiers' and sailors' orphans' home at Xenia, and every other benevolent or eleemosynary institution of the state of Ohio, shall be entitled to one copy of the laws passed at each session of the general assembly, and also to one copy of each journal and appendix, and one copy of executive documents.

SEC. 2. Original section twelve is hereby repealed; and this act shall take effect on its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 30, 1871.

### AN ACT

To change the time of holding the district court for the year 1871, in the county of Clarke.

Time for  
 holding dis-  
 trict court in  
 Clarke, in  
 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time of holding the term of the district court for the year 1871, in the county of Clarke, as fixed by the judges of the second judicial district, be and the same is hereby changed, and that said term be held in said county on the 5th day of September, A. D. 1871, instead of the 4th day of April, A. D. 1871.

SEC. 2. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 30, 1871.

### AN ACT

To amend section seventeen of an act entitled an act to provide for the reorganization, supervision and maintenance of common schools, passed March 14, A. D. 1853. (51 vol. Stat., 429.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seventeen of the above recited act be so amended as to read as follows:

School  
 boards to de-  
 termine text-

Section 17. The said board are, by this act, authorized and required to determine the text-books to be used and the studies to be pursued, in the several schools under their control; and no text-book shall be changed within two years after its adoption,

and then only upon a vote of at least three-fourths of all the members of such board at some regular meeting thereof, not less than three months notice of the intended change having been posted in one or more public places in each sub-district in the township: Provided, if the price of any book so adopted shall be increased after its adoption, a majority of said board shall have the power to change the same at any regular meeting. Said board shall make and enforce such rules and regulations relative to the use and preservation of the school library and apparatus as they may think advisable, and shall appoint, or authorize the local directors to appoint, a suitable person to act as librarian, and to take charge of the school apparatus, resident at some convenient place in the neighborhood where the school is kept, and may require such librarian to give bond for the faithful discharge of his duties, and allow him such compensation as they may think reasonable.

books to be  
used—their  
change, &c.

Preservation  
of libraries;  
librarian, &c.

SEC. 2. That said section seventeen be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 31, 1871.

## AN ACT

To amend section four hundred and ten of "An act to provide for the organization and government of municipal corporations," as the same was amended April 18, A. D. 1870. (Vol. 67 O. L., page 86 [68].

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four hundred and ten (410) of the "act to provide for the organization and government of municipal corporations," as the same was amended April 18, 1870, (vol. 67, page 86,) be so amended as to read as follows:

Section 410. The members of councils of cities shall be elected, one in each ward, one in each alternate year, except in case of vacancy or the creation of new wards; and when at the first election in a new ward two members are to be elected, the mayor in his proclamation shall require, and the electors shall vote for one member for one year and for one member for two years, designating the term on their ballots. Nothing in this chapter shall be construed to limit or abridge the term of office of any member of the council.

Election of  
members of  
council, and  
term of office.

SEC. 2. Said section four hundred and ten, as amended April 18, 1870, is hereby repealed. This act shall take effect on passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 1, 1871.

## AN ACT.

## To prevent cruelty to Animals.

Cruelty to  
animals a  
misde-  
meanor.

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person shall overdrive, overload, torture, torment, deprive of necessary sustenance, or unnecessarily or cruelly beat, or needlessly mutilate or kill, or cause or procure to be overdriven, overloaded, tortured, tormented or deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or needlessly mutilated or killed, as aforesaid, any domestic animal, every such offender shall, for every such offense, be deemed guilty of a misdemeanor.

Impounded  
animals must  
be supplied  
with suffi-  
cient food  
and water.

SEC. 2. Any person who shall impound, or cause to be impounded, in any pound or yard, for sale or slaughter, any domestic animal, shall supply the same during such confinement with a sufficient quantity of good and wholesome food and water, and in default thereof shall, upon conviction, be adjudged guilty of a misdemeanor.

Any person  
may supply  
such im-  
pounded ani-  
mal with  
food and wa-  
ter, &c.

SEC. 3. In case any domestic animal shall be at any time impounded or yarded as aforesaid, and shall continue to be without necessary food and water for more than twenty-four successive hours, it shall be lawful for any person from time to time, and as often as it shall be necessary, to enter into and upon any pound or yard in which any such domestic animal shall be so confined, and to supply it with necessary food and water so long as it shall remain so confined. Such person shall not be liable to any action for such entry, and the reasonable cost for such food and water may be collected by him of the owner of such domestic animal, and the said domestic animal shall not be exempt from levy and sale upon the execution issued upon a judgment therefor.

Cruel or in-  
human trans-  
portation of  
animals, a  
misdemean-  
or, &c.

SEC. 4. If any person shall carry, or cause to be carried in or upon any vehicle or otherwise, any domestic animal in a cruel or inhuman manner, he shall be deemed guilty of a misdemeanor, and whenever he shall be taken into custody therefor by any officer, such officer may take charge of such vehicle and its contents, and deposit the same in some safe place of custody; and any necessary expenses which may be incurred for taking charge of and keeping and sustaining the same, shall be a lien thereon, to be paid before the same can be lawfully recovered, and if the said expenses or any part thereof remain unpaid, they may be recovered by the person incurring the same, of the owner of said domestic animal in any action therefor; and it shall be unlawful for any person or corporation engaged in transporting live stock on railway trains, to detain such stock in cars for a longer continuous period than twenty-four hours without supplying the same with food and water.

Abandon-  
ment of sick  
or disabled  
animal, a  
misdemeanor

SEC. 5. If any maimed, sick, infirm or disabled domestic animal shall be abandoned to die by any person in any public place, such person shall be deemed guilty of a misdemeanor, and it shall be lawful for any magistrate or chief of police in this state, to appoint suitable persons to destroy such domestic animal if unfit for further use.

SEC. 6. Any person convicted of a violation of any of the provisions of this act, by any court of competent jurisdiction, shall forfeit and pay for every offense, together with the cost of prosecution, a fine not less than five nor more than fifty dollars, and said fines shall be paid into the common school fund.

Penalty for  
violation of  
this act.

SEC. 7. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 4, 1871.

## AN ACT

To amend section three of an act to provide for the appointment of a commissioner of railroads and telegraphs, and to prescribe his duties, passed and took effect April 5, 1867. (S. & S., page 76.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That section three of the above recited act be so amended as to read as follows :*

Section 3. He shall receive for his services three thousand dollars per annum, and be furnished with an office, office furniture, and stationery, at the expense of the state. He shall have power to employ a clerk to perform such duties as may be assigned by him, to be paid out of the state treasury, at the rate of twelve hundred dollars per annum.

Compensation of commissioner and clerk.

SEC. 2. That section three of the above recited act be and the same is hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 8, 1871.

## AN ACT

Prescribing the duties of the trustees of the Ohio Agricultural and Mechanical College, in relation to the erection of buildings and making other improvements upon the grounds purchased for the location of said college.

Plans and specifications must be prepared before contracts shall be made.

Proposals to be published for all sums of five thousand dollars and upwards.

Course in case no bid shall be had.

No officer to be interested in contracts.

No contract to be made at prices in excess of estimate, &c.

Limit of expenditure.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That before any contract shall be made for the erection of any building for the Ohio agricultural and mechanical college, the executive committee of the board of trustees shall cause to be made full and accurate plans of such buildings in detail, with proper working plans and full specifications of the work, showing the manner and style in which the same will be required to be done, and to make or cause to be made a full and complete estimate of each item of expense, and the entire aggregate cost of such building, and submit the same to the board of trustees of said college for approval; and if the same are approved at a meeting of said board, contracts may be made in pursuance thereof; provided, they are drawn and approved by the attorney general; provided, further, that in all cases of contracts involving an expenditure of five thousand dollars, or any larger sum, either for labor or materials for any of the college buildings, the trustees shall cause notice to be published for not less than three weeks, of the time and place when and where sealed proposals will be received for performing such labor or furnishing such materials, and where plans and specifications of the work to be done, or a description of the materials to be furnished, may be seen; and it shall be the duty of the trustees, or the executive committee, to award such contract or contracts to the lowest bidder or bidders, who shall give satisfactory security to perform the work or furnish the materials in accordance with the plans, specifications and descriptions as herein required, if, in the judgment of the trustees, or the executive committee, such persons are able and competent to perform such labor or furnish such materials, in accordance with the terms of the proposed contracts and the provisions of this act. In case no bids shall be received upon the publication of such notice complying in all respects with the provisions of this act, the trustees, or the executive committee, may cause such work to be done or materials to be furnished by other parties, subject to the conditions of this act; and no officer of said institution shall be directly or indirectly interested in said contract or contracts.

SEC. 2. No contract shall be made for labor or material as herein provided at prices in excess of the estimates in this act required to be made, or in excess of the ordinary and prevailing market prices for such labor or materials.

SEC. 3. No contract shall be made, plans adopted, or liability incurred for the erection of any building, or for other improvements on the college farm, or for the purchase of stock or implements, involving in the aggregate a greater expenditure of money than the amount remaining of the Franklin county subscription, after the payment of the purchase money

for the lands bought for the use of the college; nor shall said trustees contract any debt for any purpose in excess of the money provided for its payment.

SEC. 4. This act shall take effect on its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed April 12, 1871.

## AN ACT

To amend section three of the act passed May 1, 1854, entitled "an act supplementary to the act entitled an act defining the jurisdiction and regulating the practice of probate courts," passed March 14, 1853, as amended by the act of February 28, 1866, and to repeal said last named act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of the act of May 1, 1854, as amended by the act passed February 28, 1866, be so amended as to read as follows:

Section 3. That appeals may be taken from any order, decision or decree of the probate court in settling the accounts of an executor, administrator or guardian; in proceedings for the sale of real estate for the payment of debts; in cases where the probate court shall have increased or diminished the allowance made by appraisers of any estate to any widow or minor child or children for their support for one year; in proceedings against persons suspected of having concealed, embezzled or conveyed away the property of deceased persons; in cases for the completion of real contracts from any order, decision or decree made under "an act regulating the mode of administering assignments in trust for the benefit of creditors," and in proceedings to appoint guardians for lunatics or idiots, by any person against whom such order, decision or decree shall be made, or who may be affected thereby, to the courts of common pleas of the proper county; and the cause so appealed shall be tried, heard and decided in the courts of common pleas, in the same manner as though the said court of common pleas had original jurisdiction thereof.

When appeals may be taken from probate court to court of common pleas.

SEC. 2. This act shall also apply to all cases pending, and shall take effect and be in force from and after its passage.

SEC. 3. That said act of February 28, 1866, (S. & S., page 625), be and the same is hereby repealed.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed April 12, 1871.

## AN ACT

Defining the jurisdiction of the probate court in the county of Mercer, in minor criminal cases.

Provisions  
extended to  
Mercer  
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of an act entitled "an act defining the jurisdiction, and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April 12, 1858, and the several acts amendatory thereto, be and the same are hereby extended to and declared to be in full force in the county of Mercer.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed April 12, 1871.

## AN ACT

Supplemental to an act entitled "an act limiting the compensation of certain officers therein named," passed April 6th, 1870. (O. L., vol. 67, page 36.)

No reduction  
of fees, costs,  
&c., to be  
made except  
on order of  
commission-  
ers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That none of the officers named in the act to which this is supplemental, shall be authorized to make any reduction, abatement or remission of any fee, cost, percentage, penalty, or allowance that it may be their duty to charge or collect, except upon the order of the county commissioners; and when the county commissioners make any such order for reduction, abatement or remission of any fee, cost, penalty, percentage, or allowance, said order shall be entered upon the minutes or records of the proceedings of the board of commissioners, setting forth the reasons for such reduction; nor shall any such reduction, abatement, or remission be made by any of the officers aforesaid, until such entry shall have been first made and properly certified to them by the auditor.

Commission-  
er of costs  
and fees to  
be appoint-  
ed, &c.

SEC. 2. It shall be the duty of the judges of the court of common pleas in every county in this state where this act takes effect, and within one month after its passage, to appoint an officer who shall be styled commissioner of costs and fees, whose duty it shall be to have general supervision of the matter of the collecting and reporting of the fees, costs, percentages, penalties, allowances, and other perquisites by the officers named in the first section of the act to which this is supplemental; and all accounts and reports of receipts and expenditures required of the officers aforesaid by the provisions of said act, shall be in such form as

he may prescribe, and the same shall be first examined and approved by him as correct before they shall be audited as correct by the county commissioners. It shall be his duty to see that the provisions of the act to which this is supplemental, are faithfully executed by the officers named in the first section of said act, and for this purpose all the official account and fee books of said officers, and the books of the collector or collectors appointed by the commissioners as provided in the eight section of said act, and the minutes and records of the proceedings of the county commissioners, shall be open for his inspection at all times, and if he shall discover any violation of the provisions of said act by any of the officers aforesaid, it shall be his duty to report the same to the prosecuting attorney of said county forthwith in writing. It shall be his further duty to make an annual report to the county commissioners at their first regular meeting in June in each year, in which report he shall give full statistics relating to the offices named in the first section of the act to which this supplemental, showing the gross receipts of costs, fees, percentages, etc., expenditures on various accounts, names and compensation of all deputies, clerks, book keepers and other assistants employed by them, together with any recommendations and suggestions, he may have to make in regard to any change which he may think worthy of consideration by the commissioners. Said commissioner of costs shall hold his appointment for three years, subject to removal at any time for cause, by the judges of the court of common pleas, and shall receive such compensation for his services, not exceeding the rate of \$1,500 per annum, as the judges of the court of common pleas may allow, payable annually out of the county treasury upon the allowance of the judge aforesaid, on the warrant of the county auditor, from the various funds arising from the fees, costs, percentages, allowances, and penalties of the offices named in the first section of the act to which this is supplemental, chargeable to said fund in such proportion to each as the county commissioners may designate; provided, that the salaries of the officers named in said first section, and the compensation of all deputies, clerks, book-keepers and other assistants, and all official expenses of said offices shall be first paid from said funds; and further provided, that nothing in this act shall be so construed as to make the county or county commissioners liable to any such commissioner of costs for the payment of any salary or compensation, except out of the fees, costs, percentages, and penalties collected by the officers named respectively. Said commissioner of costs, before entering upon the discharge of his duties, shall take an oath of office.

Duties, term  
of office, &c.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed April 12, 1871.

## AN ACT

## Relating to Ditches.

Authority of  
county com-  
missioners to  
locate, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county shall have power, at any regular or called session, when the same will be conducive to the public health, convenience or welfare, to cause to be constructed as hereinafter provided, any ditch, drain or water course within said county.

Preliminary  
proceedings.

SEC. 2. That before the commissioners shall establish any ditch, there shall be filed with the auditor of such county, a petition signed by one or more of the landowners whose lands will be assessed for the expense of the same, setting forth the necessity thereof, with a general description of the proposed starting point, route and terminus, and shall file a bond, with good and sufficient securities to the acceptance of the auditor, conditioned to pay all expenses in case the commissioners shall fail to establish said proposed ditch; and it shall be the duty of the auditor to furnish a copy of said petition to the commissioners, who shall thereupon proceed, with or without an engineer, as they shall deem best, to view and make a computation of the number of cubic yards of earth to be removed from each section, with an estimate of the costs of construction of the work apportioned to each parcel of land, and specify the manner in which the work shall be done, the necessary flood gates, waterways, bridges and farm crossings to be made, with such other suggestions as they may deem material, and file their report with the auditor, and fix a day for the hearing thereof. It shall be the duty of the auditor, on said report being filed, to cause notice to be given by publication for four consecutive weeks in some newspaper published or of general circulation in said county, of the pendency and prayer of said petition, and the time set for the hearing thereof, which notice shall contain a pertinent description of the termini of such proposed ditch, its direction or course from its source to its outlet, and the sections or tracts of land through which it shall be proposed by the commissioners to establish the same, and immediately a brief written notice to non-residents interested, whose postoffice address is known to the county auditor, or can be ascertained by inquiry at the treasurer's office.

Damages for  
land appro-  
priated.

SEC. 3. Any person claiming compensation for lands or damages by the construction of such proposed ditch, if the same should be established in accordance with the report of said commissioners, shall make application in writing therefor, and file the same with the auditor, on or before the day set for the hearing of the petition; and on failure to make such application, shall be deemed to have waived all right to such compensation or damage.

Ditches to be  
established.

SEC. 4. Said commissioners, at the time set for the hearing of said petition, shall, if they find the provisions of the second section of this act to have been complied with, proceed to hear said petition, and if they find such ditch to be necessary, and conducive to public health, convenience or welfare, they shall establish the same as specified in the report.

SEC. 5. It shall be lawful for any person interested in the location of such ditch, to appeal from the proceedings of said

commissioners to the probate court of the county, by filing with the auditor, within ten days from such decision, an undertaking, with two sufficient sureties, conditioned for the payment of all costs and expenses caused by such appeal if the decision of said commissioners be sustained, which undertaking must be approved by the auditor; and thereupon said auditor shall certify the proceedings, with said undertaking, to the probate court, and said appeal shall be filed by the party appealing, within ten days thereafter, in the office of said court.

Appeal from proceedings of commissioners.

SEC. 6. It shall be the duty of the probate judge, upon the filing of such undertaking and transcript, as provided in the preceding section, to docket the same, entitling said case the appellant, plaintiff, and the county commissioners defendant; and said judge shall impanel a jury of twelve disinterested freeholders of the county, and shall issue a venire therefor, directed to the sheriff or any constable of such county, returnable on a day therein named, not exceeding ten days from the date thereof, specifying the time; and it shall be the duty of the appellant to notify the principal petitioner, if he be within the county, by notice in writing, of the time and place of such meeting, to the satisfaction of said court.

To be docketed and jury impaneled.

SEC. 7. At the time specified in said notice, the probate judge shall hear and determine all questions arising upon the record, and if he find that said proceedings are regular in substance, he shall administer to said jury an oath to faithfully and impartially view the premises along the route of such proposed ditch, and report in writing to said court, whether it will be conducive to the public health and welfare to cause said ditch to be established, which said report shall be signed by all the jurors, and filed with the probate judge within five days after taking such oath, unless the court, for good cause, allow further time.

Action of the jury—their report.

SEC. 8. Upon the report of said jury, said judge shall make a record of the proceedings had before him in the case; and if said report be against the appellants, all the costs of said appeal shall be taxed against said appellants, and execution awarded against them; the fees of said jury shall be taxed at one dollar and fifty cents per day for the time employed, and mileage at five cents per mile from the place of residence to said probate court.

Costs of the appeal.

SEC. 9. If the jury shall report against the location of such ditch, the costs made before the commissioners shall be taxed against the principal petitioner, and be collected as provided in section eight.

The same.

SEC. 10. In case of the appeal provided for in the foregoing sections, all further proceedings by the commissioners shall cease until said appeal is decided.

Proceedings stayed during pendency of appeal. Application for damages; discontinuance of proceedings.

SEC. 11. If any application for compensation or damages shall have been made agreeably to the third section of this act, the commissioners shall fix a day on which they will meet and determine, upon actual view of the premises, the compensation or damage to be paid to such applicant; and also a day when they will make their report. After the report of said commissioners shall have been made, the petitioners

may discontinue the said proceedings, by paying all costs that have accrued up to that time, and notifying the auditor in writing that they will not further prosecute the same. But no proceeding shall be discontinued unless the notice thereof shall be signed by a majority of the petitioners for said ditch.

Appeal from  
commission-  
ers to pro-  
bate court.

SEC. 12. If any person shall feel aggrieved by the report of said commissioners in the assessment of damages or compensation, they may, within fifteen days from the making of said report, appeal from the decision of the commissioners to the probate court of the county, by giving an undertaking, with good and sufficient sureties, to be approved by the auditor, conditioned to pay all costs on such appeal; if the appellants shall fail to sustain their appeal against the decision of the commissioners, and such undertaking having been given, the auditor shall forthwith certify to the probate court a copy of said appeal, together with a description of the property taken, or injured, as contained in the report of the commissioners, which shall be docketed in said court, styling the appellant plaintiff, and the commissioners defendant.

Proceedings  
to determine  
damages.

SEC. 13. If the appeal is taken on account of damages or compensation allowed by the commissioners, such proceedings shall be had to determine the amount, as are required by the act entitled "An act to provide for compensation and damages to the owners of private property appropriated to the use of corporations," passed April 30, 1852; and the compensation or damages found in favor of said claimant shall be certified by said probate judge to the county auditor, and paid out of the county treasury from the general fund. If no damages or compensation shall have been claimed, or if no appeal shall have been taken from the report of the commissioners, and said petitioners shall not have discontinued proceedings as above provided, or if the damages and compensation shall have been paid out of the county treasury, the said commissioners shall proceed to make a just and fair estimate of the average cash value of the construction per linear rod, cubic yard or foot of earth, and every section or allotment of such ditch, and apportion the costs of the location thereof, including printer's fees, the damages and compensation, if any shall have been assessed, and costs in probate court, if adjudged against the commissioners, and the labor of constructing said ditch, and award to each person or persons owning lands through, or in the vicinity of which said proposed ditch may be established, as shall be deemed just and right, according to the benefits to be derived by constructing the same, and shall specify the time in which said costs and expenses shall be paid to the county treasurer, and the time and manner in which said labor shall be performed, and appoint a day on which they will meet to hear exceptions to such apportionment; and they shall cause a stake or monument to be placed at the boundaries of each of the several portions, which shall be numbered progressively down stream, at each one hundred feet. And said auditor shall give notice, in tabular form, of the apportionment, containing: First—the name of the owner as it appears on the tax duplicate at the date of

Apportion-  
ment of labor  
and expenses

Hearing ex-  
ceptions.

Notice of ap-  
portionment,  
&c.

said notice. Second—description of each parcel of land assessed for the construction of said ditch. Third—number of rods or feet apportioned to each of said parcels of land. Fourth—the estimated value per rod, cubic yard or foot of construction. Fifth—the expenses, including damages and compensation, if any shall have been awarded. And said notice shall state the time as fixed by the commissioners, when the costs and expenses shall be paid and the work completed, and also the day when and where the commissioners will meet, to hear exceptions to such apportionment. Said notice shall be published for four consecutive weeks in some newspaper published or of general circulation in said county, at the rate now authorized by law for publishing delinquent tax sales, and no more. On the day named in such notice the commissioners shall meet, and if no exceptions have been filed to said apportionment, they shall confirm the same; but if exceptions in writing have been filed, they shall hear such exceptions, and any testimony offered by any party who has filed exceptions, and either one of said commissioners shall be authorized to administer oaths to witnesses. On said hearing they may confirm said apportionment or change the same; and may again make an actual and careful view of the route of said ditch or any part thereof, and the lands to be affected thereby; but in no case shall they hear exceptions to, or review any question with reference to damages or compensation, except as to the apportionment of such damages or compensation as above provided. In making the apportionment specified in this section, the commissioners shall assess separately, according to their respective value, the particular estate which any person interested in the construction of the ditch may have in the land affected thereby, so that estates for life, for term of years, or in remainder, shall each pay its just proportion of the assessment. And all estimates shall be made by actual and not apparent quantities or distance.

SEC. 14. If any of the persons interested in the opening of said ditch shall fail to procure the excavation thereof, or that portion set off to them, respectively, by the commissioners, in the manner and time specified, it shall be the duty of said commissioners to let said work at public sale, and take a bond payable to the state of Ohio, of the person or persons to whom said work is let, with good and sufficient sureties for the faithful performance of the same within a specified time; and on completion of the work thus let, and acceptance by said commissioners, the auditor shall issue a certificate to the persons doing said work, for the sum due them, and shall enter the amount of said certificate upon the duplicate of the county against the tract or lot benefited by the opening of that portion of said ditch, together with legal interest, and the amount so entered shall be collected by the treasurer of the county as other taxes, and paid by him to the person holding said certificate; Provided, however, that in no case shall said work be sold or let by the said auditor at a greater price than twenty per cent. above the estimated value fixed by said commissioners, as hereinbefore provided; and provided further, that no person hav-

Proceedings  
in case of  
failure of  
parties to ex-  
cavate the  
portion set  
off to them.

ing an official duty to perform about said ditch, shall be interested directly or indirectly in any contract for the construction of such ditch. Any contract in which any of the said officers shall be interested, shall be deemed fraudulent and void. All the expenses attending the letting of said work, except as hereinafter provided, shall be assessed against the land to which said work was apportioned, and collected as taxes by the treasurer, and paid to the persons to whom the same is due.

Penalty of neglect to perform duties imposed by this act.

SEC. 15. If the commissioners, auditor or probate judge, shall neglect to perform any of the duties imposed upon them by the provisions of this act, they shall forfeit and pay a fine of twenty-five dollars for every such neglect, to be recovered before any officer having competent jurisdiction, for the benefit of common schools in such county, at the suit of any person aggrieved thereby, in the name of the state.

Levy for repairs, etc.

SEC. 16. For the purpose of keeping any ditch open and in good repair, that is now or may be hereafter constructed under any law of this state, a majority of the resident land-owners taxed for the construction thereof, may determine from time to time what sum may be necessary to be levied for the repair of the same. They shall make a statement of the amount, signed by a majority of such tax payers, and forward the same to the auditor of the county. The auditor shall assess the same on each tract or parcel of land taxed for the original construction of said ditch, in the same proportion that said original tax was levied, and enter the same on the duplicate of the county the same as other taxes.

Election of supervisor of ditches; his duties, &c.

SEC. 17. There shall be elected by the qualified electors in each township in or through which any ditch, drain or water course shall have been constructed, at the annual election in April, each year, one supervisor of ditches for such township, who shall take an oath and give bond as is or may be required of supervisors of highways. It shall be his duty to see that all ditches, drains or water courses which have been constructed under any law of this State within his township, are kept open and in good repair, and for that purpose he shall have the same powers to call out the land owners whose lands were assessed for the construction of the ditch requiring repairs, to aid in the repair thereof, that supervisors of highways have by law to call out persons to perform work on such public highways. And each land owner performing work under the direction of such supervisor of ditches shall be entitled to receive a certificate therefor from said supervisor, to apply in payment of any assessment which has been or shall be assessed against his land under any provision of this act at the same rate per day that is or may be allowed for work on the public highways; and such certificate shall be received by the county treasurer in payment of so much of the tax assessed against the lands of such owner for ditch purposes. The county auditor shall furnish each supervisor of ditches within his county, with a statement of the assessments made for keeping open or repair of ditches within his township, giving the name of the owner as the land stands charged upon the duplicate, a brief but pertinent description

of each tract of land, the ditch for which the same was assessed, and the amount of tax assessed on each tract opposite thereto. And the supervisor, upon receiving such statement, shall give a written notice to each land owner, if he be a resident of his county, and if not, then directed to such non-resident through the postoffice, if his residence be known to such supervisor, of the amount of tax assessed upon each tract of land as described by the auditor in his statement, notifying each when and where he will attend to the supervision of the work upon such ditch. All moneys assessed for the repair of ditches, and paid into the county treasury, shall be paid over to the supervisors of ditches in the several townships in which the same were assessed, upon the order of the county auditor. And the several supervisors of ditches shall expend the same in repairing the ditch for which it was assessed, after giving two weeks public notice of the time and place when and where he will attend to sell or let such work in all cases where the amount of such work will exceed ten dollars. Such notice shall be given by posting up written notices in three public places in such township. Every supervisor shall hold his office for one year, and shall receive for his services, when actually employed in the business of his office, two dollars per day, to be paid out of the moneys assessed under this act. Each supervisor shall, on or before the first Monday in March, annually, make settlement with the auditor of his county, and file with such auditor his account duly verified, of all moneys by him received in his official capacity, with a statement of the work performed under his direction, by whom performed and upon what ditch. And he shall keep a separate account with each ditch in his township. If from any cause the electors shall fail to elect a supervisor of ditches in any township where ditches have been or may be constructed, under any law of this State, it shall be lawful for the trustees of such township to appoint such supervisor from among the electors of such township, who shall qualify and perform all the duties of the office, as if he had been elected, until the next spring election, and such appointments may be made for the year 1871: Provided, that the supervisor shall not make any repairs or improvement on any ditch until a tax or assessment shall have been made or levied.

SEC. 18. Any ditch located under the provisions of this act, of sufficient capacity to carry off the water that annually flows into it, together with the proper drainage of the lands taxed for the construction of the same, shall not be again taxed or assessed for the benefit and improvement of any lands lying above the lands taxed for the construction thereof; and in all cases where any such ditch shall empty into any lower ditch, above described, for the benefit of lands lying above the lower ditch, it shall be the duty of the commissioners to levy a sufficient tax on the lands benefited by the new ditch, to enlarge any such lower ditch so as to confine the water to the same level that it originally had before an additional amount of water emptied into such lower ditch for the benefit of lands lying above said lower ditch.

Ditches not  
to be again  
taxed for  
lands lying  
above, &c.

Record of  
proceedings  
under this  
act, &c.

SEC. 19. The county auditor shall keep a record of all proceedings had in each case, and all costs and expenses, costs of construction and damages that may be assessed under the provisions of this act, and on neglect of the parties to pay, on or before the time the same becomes due, the auditor shall issue a certificate to the person to whom said costs and expenses are due, and shall enter the same upon the duplicate, together with the legal interest, against the tract of land benefited by the opening of said ditch, and the amount shall be collected by the treasurer of said county as other taxes, and paid over on the order of the auditor to the persons holding said certificate. And said auditor shall keep an account, by items, with each ditch and fund, separately.

Fees for ser-  
vices under  
this act.

SEC. 20. That the fees of the county auditor, treasurer, commissioners and probate judge, shall be the same as provided by law for like services in other cases, and shall be paid out of the general fund; the surveyor and engineer shall be allowed the same fees as they are entitled to in other cases for the time he may be employed; each chainman, axman and rodman shall receive one dollar and twenty-five cents per day; the expense of drawing the original petition and filing the same with the county auditor, must be paid by the petitioners. The surveyor, engineer, chainmen, axmen, rodmen, printers and all others, except the auditor, treasurer, commissioners and probate judge, shall be paid by the parties respectively interested and benefited, in the construction of said ditch, in the manner heretofore in this act provided. All cost bills shall be examined and if approved signed by the commissioners.

Roads, &c.,  
benefited by  
ditches, to  
pay a portion  
of cost, &c.

SEC. 21. When any ditch, established under this act, drains, either in whole or in part, any public or corporate road or railroad, or benefits any of said roads, so that the road bed or traveled track of any such road will be made better by the construction of such ditch, the commissioners shall apportion to the county, if a county, state or free turnpike road; to the township, if a township road; to the company, if a corporate road or railroad, such portion of the costs and expenses thereof, as to private individuals, and require them to pay said costs and perform said labor in like manner as individuals.

As to cases  
of ditches in  
more than  
one county.

SEC. 22. In all cases where any proposed ditch shall be in more than one county, application shall be made to the commissioners of each of said counties, and the commissioners must make a report for each county, and application for damages must be made in the county where the land is situated, and a majority of the commissioners of each county, when in joint session, shall be competent to locate and establish the ditch; provided, that no commissioner shall serve in any case where he is personally interested. Any two commissioners may form a quorum for the transaction of business under this act in their respective counties.

School lands

SEC. 23. The provisions of this act shall be applicable to sections sixteen and lands granted in lieu thereof for school purposes, while the same remains township property; and the trustees of any township owning any such lands, or where

the same is situate, may file the petition and bond required by section two of this act.

SEC. 24. If any person shall wilfully obstruct any ditch, or shall wilfully divert the water from its proper channel, he shall forfeit and pay to the county in which the ditch or water course may be situated, the sum of ten dollars, to be recovered before any justice of the peace, or other court having jurisdiction of the matter, in the name of the state of Ohio for the use of the proper county, and shall moreover be liable for all damages that may accrue to any person by such act.

Penalty for obstructing a ditch.

SEC. 25. Wherever the words "ditch," occurs in this act, the same shall be understood to embrace and include any side or lateral ditch, or any drain or water course necessary to secure the objects and purposes for which any main ditch, drain or water course may be made. This act shall be construed to extend to, and include the straightening of streams and water courses to which the same may be applicable.

Constructions.

SEC. 26. The county commissioners at the time set for hearing of a petition for the construction of a ditch, shall, if said proposed ditch is not on the best route to effect the object sought, or if they find the proposed drainage can be effected as well in connection with a ditch necessary for the improvement of public highways already established, or such as may be hereafter required, they shall proceed to so establish the same, and in case said ditch is proposed upon a line or sub-division of sections where a public road may be required, and in all cases where ditches are located along highways, they shall proceed to locate the same at a sufficient distance from the center of such highway so as to admit of a good road along the said center, and the earth taken from such ditch shall be so placed upon said road as to form a turn-pike. No part of such earth shall be placed nearer to said ditch than two feet, and said commissioners in locating ditches, shall, in all cases as far practicable avoid laying the same diagonally across sections or parts of sections.

Concerning to location of ditches, &c.

SEC. 27. The act entitled an act to provide for locating, establishing and constructing ditches, drains and water courses, passed March 24, 1859, (S. & C., vol. 1, p. 523,) and an act to provide for locating, establishing and constructing ditches, drains and water courses, passed March 27, 1861, (O.L., vol. 58, p. 49,) and the amendatory act passed March 20, 1867, (Laws, vol. 64, p. 66,) and the amendatory act passed April 13, 1867, (Laws, vol. 64, p. 143,) and the act passed April 25, 1868; and the act passed April 30, 1868, are hereby repealed; Provided, that no proceedings had under any law repealed by this act shall be affected by such repeal, but all further proceedings shall be under and in accordance with the provisions of this act.

Acts repealed.

SEC. 28. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed April 12, 1871.

## AN ACT

To authorize the election of an additional judge of the court of common pleas in the first sub-division of the fifth judicial district of the state of Ohio.

Additional  
judge author-  
ized.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be one additional judge of the court of common pleas in and for the fifth judicial district of the state of Ohio, who shall reside in the first sub-division thereof, and who shall be elected by the qualified electors of the counties of Adams, Brown and Clermont, comprising said sub division.

Election  
thereof.

SEC. 2. That the election for said additional judge shall be held on the third Monday in May, A. D. 1871.

Duty of  
sheriffs.

SEC. 3. That it shall be the duty of the sheriff of each county in said sub-division, at least fifteen days prior to said third Monday in May, 1871, to give notice by proclamation, as is now provided by law, of the time and place of holding such election; and such election shall be conducted and the returns thereof made in the same manner as is required by law in case of the election of other judges of the court of common pleas.

Term of of-  
fice.

SEC. 4. That said additional judge shall enter upon the discharge of his duties on the first Tuesday in June, A. D. 1871, and shall hold his office for the period of five years.

Duties, sal-  
ary, &c.

SEC. 5. That said additional judge shall be qualified in the same manner and shall possess the same jurisdiction, and shall, in all respects, have the same powers, and discharge the same duties, and be liable to the same penalties as are or may be conferred and required or enjoined by the constitution and laws of this state upon other judges of said court; and said additional judge shall receive the same salary as other judges of the court of common pleas.

SEC. 6. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

## AN ACT

To change the time fixed for holding the third term of the court of common pleas, for the year 1871, in the county of Licking.

Change of  
time.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time for holding the third term of the court of common pleas, for the year 1871, in the county of Licking, as fixed by the judges of the sixth judicial district, be changed, and that said term be commenced and held on the twenty-third day of October, A. D. 1871, instead

of on the fourth day of September, A. D. 1871, as fixed by the said judges.

SEC. 2. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

## AN ACT

To amend section sixty-one of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section sixty-one of the above recited act be amended so as to read as follows:

Section 61. The officers of cities of the first class shall consist of a mayor, solicitor, treasurer, street commissioner, police judge, prosecuting attorney of the police court, clerk of the police court, all of whom shall be elected; and a civil engineer, a fire engineer, superintendent of the markets and chief of police, to be appointed by the mayor, with the assent of the council, and the clerk and auditor to be elected by the council; and the council shall have power to provide by ordinance, for the appointment by the mayor, of as many lieutenants of police as may be deemed necessary; provided, that in cities of the first and second class having a population of less than fifty thousand, embracing a county seat, no election for city treasurer shall be held, but the county treasurer shall in such cases act as city treasurer, at a rate of compensation not exceeding five hundred dollars per annum; and, provided further, that all city treasurers now in office shall remain in office, and discharge the duties thereof until the expiration of the terms for which they respectively may have been elected; and, provided further, that in cities having a population exceeding one hundred and eighty thousand inhabitants, the common council shall have power to elect or provide by ordinance for the appointment of a fire engineer, to be known as the chief engineer of the fire department, and such assistant engineers, firemen and other employes as may be deemed necessary for the efficiency and good government of the department; the term of office of said chief and assistant engineers shall be two years, and until their successors shall be chosen and qualified.

Officers to be  
elected, ap-  
pointed, &c.,  
in cities.

Exceptions  
as to treas-  
urers.

As to en-  
gineers.

SEC. 2. That section sixty-one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

## AN ACT

To authorize the Commissioners of the several counties of the State to receive bequests, donations and gifts, and to erect Monuments to the memory of the Soldiers who died or were killed in the war of eighteen hundred and sixty-one, and to levy taxes therefor when authorized by a vote of the people.

Commissioners may receive bequests, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the commissioners of the several counties of the state to receive bequests, donations and gifts, for the purpose of erecting a monument in their respective counties in memory of those who died or were killed during the war of eighteen hundred and sixty-one.

Erection of monuments.

SEC. 2. That whenever in the opinion of the board of commissioners the bequests, donations or gifts received by them are sufficient to erect such monument as aforesaid, they are hereby authorized to proceed to the erection of such monument.

When tax may be levied.

SEC. 3. That in case there shall not be a sufficient amount raised by donations, bequests or gifts for the purpose aforesaid, the commissioners of the several counties of the state are hereby authorized to submit to the qualified voters of their several counties at the spring or fall election of eighteen hundred and seventy-one, or at any spring or fall election thereafter, by giving thirty days public notice by advertisement in one or more newspapers of general circulation in said county, at least thirty days previous to said election, whether a tax not to exceed one-half mill on the dollar shall be levied or not upon the taxable property of the several counties for the purpose aforesaid, specifying in such notice the amount proposed to be raised by such levy, and if it shall appear that a majority of all the votes cast were in favor of said levy, then the commissioners shall proceed, without delay, to make said levy and erect said monument.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

## AN ACT

To amend section seven hundred and fifteen of an act to provide for the organization and government of municipal corporations, passed May 7, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven hundred and fifteen of an

act to provide for the organization and government of municipal corporations, passed May 7, 1869, be amended to read as follows:

Sec. 715. Incorporated villages may surrender their corporate rights, or may be reduced to the grade of incorporated villages for special purposes, and incorporated villages for special purposes may surrender their corporate rights in the same manner so far as applicable as provided in preceding sections in this chapter, for the surrender of corporate rights by cities of the second class, and the duties of all officers in respect thereto, and the proceedings thereafter, so far as applicable, shall be the same as prescribed in the preceding section. Where the petition is by the electors of an incorporated village for special purposes, it shall be sufficient if signed by fifty of such electors; provided further, that on the petition of at least two-thirds of the freehold electors inhabiting any portion of the territory of an incorporated village, setting forth a desire to surrender their corporate rights and to be detached from said corporation, the same proceedings as provided in this chapter, as far as applicable, including a submission of the question to the legal voters of the incorporated village shall be had; and provided further that on the reduction of the corporate limits, subsisting levies by the council shall be collected and paid into the village treasury for the purposes for which they were made, and that the council, for paying existing indebtedness, shall, until the same shall be paid, retain the power of levying taxes on the taxable property within the detached territory, as if the same were not detached, and the provisions of sections 716 and 717 of this act shall govern in case of such reduction, so far as the same may be applicable.

Surrender of  
corporate  
rights of vil-  
lages, &c.

Proceedings  
thereon.

SEC. 2. That original section seven hundred and fifteen of the municipal code be, and the same is hereby repealed, and this act shall take effect on its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

## AN ACT

Supplementary to the act entitled an act to provide for surveys of mines in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when an affidavit and notice mentioned in the first section of the act entitled an act to provide for surveys of mines in certain cases, passed May 7, 1861, shall have been made and given as therein and hereinafter provided, any owner or owners of any shaft, whether vertical or inclined, used in mining operations, shall, at all reasonable

Facilities to  
be given to  
surveying  
parties, &c.

times, after one day's notice shall have been given, as above, at the request of such party giving such notice, let down into such mines and bring up therefrom by the same means used for letting down and bringing up miners, any surveying party not exceeding five persons, and shall furnish a competent guide, and furnish him with a davy or other approved safety-lamp; provided, that for each person so let down and brought up, such owner shall be entitled to receive fifty cents, unless such shaft shall exceed two hundred and fifty feet in depth, and in all such cases double that sum, and such owner shall be entitled to receive not exceeding five dollars per day for the services of the guide so furnished, all to be paid by the party requesting such survey.

Application,  
and penalty  
for non-com-  
pliance.

SEC. 2. That the provisions of the second and third sections of the above entitled act shall be applicable to all cases arising under this act, and in addition thereto, if any owner or owners of any such shaft shall refuse to comply with the provisions of the first section of this act, the party so requesting such survey shall be entitled to recover a judgment as upon default, in any court having jurisdiction of the action, against such owner or owners for such sum as such party shall under oath declare he believes to be justly due to him for any coal or other mineral which belonged to him and before that time taken by such owner or owners of such shaft without his permission, such demand and refusal being first proved to the satisfaction of such court or jury, and the refusal so to comply of any superintendent of such shaft shall be held to be the refusal of the owner or owners thereof, and no statute of limitation shall be operative as against any claim of any such demandant for coal or other mineral taken by such owner or owners either before or after such refusal.

To whom this  
act is avail-  
able.

SEC. 3. That the provisions of this act shall be available for any person, who shall on his or her oath state that he or she is the owner or authorized agent of any owner of land which he or she believes contains coal or other valuable mineral substances within one mile of any such shaft, but not adjoining any mine or mines of the owner or owners of such shaft, and the affidavit required to be made shall be sufficient if it state that the lands in which the affiant is so interested are in the vicinity of such shaft and not more than one mile distant therefrom, and service thereof, upon any owner or superintendent of such shaft, shall be sufficient.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

## AN ACT

Supplementary to an act to provide for the organization and government of municipal corporations, passed May 6, 1869. (O. L. vol. 66, page 149.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the councils of two or more cities or incorporated villages, or the councils of one or more cities and one or more incorporated villages, when conveniently located for that purpose, to unite in the establishment and management of a cemetery, under the provisions of the act to which this is supplementary, and in all their proceedings they shall be governed by the same, so far as the same may be applicable.

Two or more councils may unite in the establishment of a cemetery.

SEC. 2. That when two municipal corporations shall unite for cemetery purposes, as provided in the preceding section, the corporation having the larger number of voters at the last preceding annual election for corporation officers, shall elect two trustees, and the other corporation shall elect one trustee, and thereafter each corporation shall be entitled to two trustees every alternate year. When three corporations shall unite as herein provided, each of said corporations shall be entitled to one trustee; and when four or more corporations shall unite as herein provided, the three corporations having the largest number of voters, respectively, shall each elect one trustee, and at the next annual election the corporation having the largest number of voters at the last election shall not be entitled to a trustee, but the corporation standing fourth in the number of voters shall be entitled to a trustee, and so on in rotation, so that each corporation shall be without a trustee at regular intervals corresponding with the number of corporations that may be united under the provisions of this act.

Election of trustees.

SEC. 3. That this act shall be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

## AN ACT

To amend section seven of "an act to provide for the organization and government of municipal corporations."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of "an act to provide for the organization and government of municipal corporations," be amended so as to read as follows:

Requisite  
population of  
cities and  
villages.

Section 7. No city of the second class shall be advanced to the grade of a city of the first class until it shall have attained a population of twenty thousand; no incorporated village shall be advanced to the grade of a city of the second class until it shall have attained a population of five thousand; no incorporated village for special purposes shall be advanced to the grade of an incorporated village until it shall have attained a population of five hundred; and no incorporated village shall hereafter be organized until the inhabitants to be embraced in it are five hundred in number.

Repeal.

SEC. 2. Section seven of the act entitled "an act to provide for the organization and government of municipal corporations," passed May 7, 1869, is repealed.

SEC. 3. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

#### AN ACT

To exempt property in incorporated villages from taxation for cemetery purposes, in certain cases.

Property ex-  
empt from  
taxation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all property within any incorporated village in this state, in which there is a cemetery established and maintained by such incorporated village or by a cemetery association resident within such incorporated village, shall be exempt from taxes for the purchase or maintenance of cemeteries, under the superintendence of the township trustees.

SEC. 2. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

#### AN ACT

To amend section one hundred and fifty-eight of "An act of the jurisdiction and procedure before Justices of the Peace, and of the duties of Constables in Civil Courts," passed March 14, 1853. (Swan & Critchfield, 769.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said section one hundred and fifty-eight be so amended as to read as follows:

Section 158. No stay of execution on judgments rendered in the following cases shall be allowed :

Cases in which stay of execution shall not be allowed.

1. On judgments rendered against justices of the peace for refusing to pay over money by them collected or received in their official capacity.

2. On judgments against justices of the peace for not reporting annually to the auditor all fines as required by law.

3. On any judgment rendered against a constable for failing to make return, making a false return, or refusing to pay over money collected in his official capacity.

4. On judgments against bail for the stay of execution.

5. Where judgment is rendered in favor of bail who have been compelled by judgment to pay money on account of their principal.

6. On judgments obtained by constables on undertakings executed to them for the delivery of property, or undertakings executed to an officer in replevin of property levied on by execution.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 22, 1871.

## AN ACT

To authorize county commissioners to pay expenses to persons authorized to pursue after fugitives from justice charged with crime, upon the requisition of the governor.

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of any county in this state are hereby authorized, when any person or persons charged with a felony, and shall have fled to any other state, and the governor shall have issued his requisition for such person or persons so charged with such offense, to pay to the officer or other person designated in such requisition by the governor to execute the same, all necessary expenses in the pursuit and returning of said person or persons so charged with crime as aforesaid, out of the county treasury, as to them may seem just.

Commissioners to pay expenses in certain cases.

SEC. 2. That in case of the arrest, return and conviction of such fugitive or fugitives, the expenses incurred in the pursuit and return of such fugitive or fugitives, shall be charged by the clerk of the court in the cost-bill, and paid out of the state treasury as in other criminal cases.

When paid by state.

SEC. 3. This act to be in force from its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT.

To amend section eighteen of an act entitled "An act limiting the compensation of certain officers therein named," passed 6th of April, 1870. (Vol. 67, O. L. page 36.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eighteen of the above entitled act, be and hereby is amended so as to read as follows, viz:

Certain officers exempted from operation of the act.

Section 18. This act shall take effect and be in force from and after its passage; provided, however, that nothing herein contained shall be so construed as to affect the compensation, fees, costs, perquisites and penalties of any officer elected previous to the second Tuesday of October, 1869, and now in office, for and during the term of office for which he was elected, as said term was fixed by law, at the time of his election; and the fees, costs, percentages, allowances penalties and other perquisites of whatever kind, of the officers herein named, remaining unpaid at the end of their respective official terms, shall in nowise belong to or be the property of any such officer, except so far as is provided in the sixth section of this act, but shall be collected by his successor in office, and shall be held as public money and property of the county, and shall constitute a part of the fund out of which the expenses and compensation of such successor in office shall be paid; Provided, that nothing herein contained shall be construed to apply to the clerk elected on the second Tuesday of October, 1869, and his appointed successor until the first day of October, 1870.

SEC. 2. That said original section eighteen shall be and hereby is repealed.

SEC. 3. This act to take effect from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 26th, 1871.

## AN ACT

To authorize the governor to re-convey certain lands.

WHEREAS, On the 12th day of February, 1869, Isaac Vanhorn and wife conveyed, by general warranty deed, to the state of Ohio, in-lot number one hundred and thirty-five (135,) situated and being in Phillips' and Stafford's second addition of lots to the town of Napoleon, Henry county, Ohio, for and in consideration that the board of public works would execute to said Vanhorn and wife, a lease of water power to be used on said premises; and,

WHEREAS, Said lease has never been executed by said board of public works, and they still refuse to execute the same, for the reason that upon examination they find all the surplus water leased, and a further drain would be injurious to navigation by boats on said canal; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the governor of the state is hereby authorized and required to convey from the state of Ohio, by general warranty deed, to Isaac Vanhorn, his heirs and assigns, the aforesaid described premises.

Governor to convey certain lands, &c.

SEC. 2. This act to take effect from its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To amend section fifty-eight of the code of civil procedure.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section fifty-eight of the code of civil procedure, be so amended as to read as follows:

Section 58. When the action is rightly brought in any county, according to the provisions of title four, a summons shall be issued to any other county, against any one or more of the defendants, at the plaintiff's request; provided, that no maker or drawer of any instrument for the payment of money, only, shall be held liable in an action thereon, except on cognovit, in any county other than one in which he, or some one of the joint makers or drawers of the instrument, resides or is summoned.

Rule as to issue of summons to other counties.

SEC. 2. Said original section fifty-eight be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

Regulating the charges for transportation of freight upon  
Railroads within this State.

Excessive  
charges for  
local freight  
unlawful.

Penalty  
therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any corporation, company, person or persons, owning, controlling, or operating a railroad, in whole or in part, within this State, to charge or receive for transportation of freight, for any distance within this State, a larger sum than is charged by the same corporation, company, person or persons, for the transportation, in the same direction, of freight of the same class or kind, for an equal or greater distance over the same railroad and connecting lines of railroad; and every such corporation, company, person or persons who shall violate or permit to be violated, the provisions of this act, shall forfeit and pay to the party aggrieved a sum equal to double the amount of the overcharge, but in no case shall the amount of the forfeiture be less than twenty five dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To amend section one (1) and to repeal sections two (2) and three (3) of an act entitled an act providing for inclosing Railroads by fences and cattle guards, passed and took effect March 25, 1859. (S. & C., p. 331 and 332.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1) of the above recited act, be amended so as to read as follows:

Erection of  
fences, cross-  
ings and cat-  
tle guards.

Section 1. That any railroad company, or other party having the control or management of a railroad, the whole or part of which shall be located within this state, shall, and is hereby required, within one year after the passage of this act, or within one year after commencing to run cars thereon, for the transportation of passengers or freight, to construct and maintain good and sufficient fences on both sides of such roads or such part thereof as shall be in running order, and located within this state, and also, to make and maintain a sufficient number of suitable crossings, for the accommodation of the public, and of persons living near the line of such railroad, together with the necessary cattle guards, to prevent cattle and other domestic animals from endangering them-

selves and the lives of passengers by getting upon such railroads; and such company shall be liable for all damages which may result to horses, cattle or other domestic animals by reason of the want or insufficiency of such fences, road crossings or cattle-guards, or by any carelessness or negligence of such company, party, agent or agents thereof; and no person shall ride, lead or drive any horse, cow or other domestic animal into such inclosure and upon such railroad track, under penalty of a fine, not exceeding ten dollars for every such offense, to be recovered by such corporation or party, in an action before a justice of the peace of the proper township, and the liability of all damages which may be thereby occasioned: Provided, that whenever such railroad shall pass along the boundary of any inclosed farm or farms, separating such farm or farms from the lands of any other person or persons, the proprietor or proprietors of such inclosed farm or farms is hereby required to construct and keep in repair one-half of the fence along such farm boundary as is necessary to partition said inclosed farms from the railroads, and the construction and repair of the same may be enforced in the same manner as are the partition fences between two or more individual boundaries, provided further, that any person or persons desiring a private crossing or crossings and cattle-guards, as contemplated by this act, shall be responsible for one-half the expense of constructing the same; and, provided further, that nothing herein shall be construed to extend the time within which any existing railroad company or other party is required to fence its railroad by the act hereby amended; provided, that this act shall not apply to any case in which compensation for building fence or fences was taken into consideration and paid for as part of the sum paid for right of way.

SEC. 2. That sections one, two and three of the above recited act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

For regulating settlements between county commissioners and sheriffs, and for the payment of balances found due on any such settlement.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of any county, before making any payment to the sheriff of such county of moneys claimed by him for official services rendered to such county, shall make a full examination and adjustment of the

Liability for  
injury to  
animals.

—for taking  
them within  
enclosure.

Partition  
fences.

Commission-  
ers to investi-  
gate claims  
of sheriffs for  
services.

account of the sheriff with such county to the date of such settlement, showing the amount of money in his hands belonging to such county, or with which he is chargeable at such date, and shall pay over to him only the balance, if any, that shall be found due such sheriff on such settlement and adjustment, after deducting all moneys found to be in his hands, or with which he shall be chargeable as aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To amend sections one, fifteen, sixteen, seventeen and twenty of an act entitled an act to authorize the county commissioners to lay out and establish free turnpike roads, and to repeal certain acts therein named, passed April 15, 1867. (S. & S., page 680.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one, fifteen, sixteen, seventeen and twenty of the above recited act be amended so as to read as follows:

How free  
turnpikes—  
laid out and  
established;  
petition, and  
appointment  
of commis-  
sioners.

Section 1. That after the passage of this act free turnpike roads shall be authorized, and commissioners appointed to lay out and establish the same in the following manner, to wit: When a majority of all the landholders residing in the county who own lands lying within the bounds of any free turnpike as provided in this act, shall present a petition to the board of county commissioners at any regular session of their board, asking the appointment of commissioners to lay out and establish a free turnpike road between any points within such county, and shall satisfy such commissioners that public notice has been given by advertisement in some newspaper of general circulation in such county of such intended application for at least four consecutive weeks preceding such general meeting, said commissioners shall appoint three judicious freeholders of the county to be commissioners of such free turnpike road, who, by the name fixed by said county commissioners, shall be a body corporate for the purpose of laying out and establishing a free turnpike road between the points within such county named by the said commissioners; such appointments and points on said road shall be entered upon the minutes of said board of county commissioners, and a certified copy of such entry furnished to such road commissioners on demand; and the said county com-

missioners may remove any or all of the commissioners of any free turnpike road when petitioned so to do by a majority of the resident land owners residing within the county who own lands within the bounds of such road; provided, that on the removing of any such commissioner or commissioners, the vacancy shall be at the same time filled by the appointment of some other freeholder of the county.

Section 15. That all the petitions to the county commissioners to appoint commissioners to lay out and establish free turnpike roads, and to the county auditor to levy an extra tax for the construction and keeping the same in repair, and all remonstrances against either of the same, shall only be signed by freehold tax payers, resident within the county in which the road is situated, owning lands within the bounds of said road, as described in section six of this act; that minor heirs residing in the county and owning lands in said bounds shall not be counted for or against said road or extra tax, unless represented by their legal guardian. And all heirs either adults or minors, to any undivided estate, shall only be entitled to one vote for or against said road or tax.

Petitions and  
remonstrances.

Section 16. That persons liable to do two days labor annually on the public highways residing within the bounds of any free turnpike road, shall do the same under the direction of the commissioners or agents of said road after being notified three days previous of the time and place of doing said two days work, between the first day of April and the first day of October; provided, they may pay to said superintendent the sum of three dollars in lieu of said two days work, if paid when notified to do the work; in case of refusal or neglect to do the same, shall pay a fine of one dollar for every such offense, and shall further be liable in cases of non-attendance, to the amount allowed for two days work, to be collected by said road commissioners in the same manner that supervisors are authorized to collect in similar cases.

Two days  
labor by per-  
sons liable.

Section 17. That the county commissioners may, when they believe the public interest requires it, make donations for building and repairing bridges and culverts on any free turnpike road, and for material for keeping such road in repair, to the same extent as township trustees and county commissioners are now allowed to make for state, county and township roads.

Bridges and  
culverts.

Section. 20. That whenever it shall be made known, by petition, to either of the county auditors in this state, that a majority of the freeholders, resident within his county, who own lands within the bounds as prescribed by this act of any state road, county road, or free turnpike road within his proper county, desire an extra tax for the purpose of constructing, improving, or repairing such road, it shall be the duty of the said county auditor to levy a tax for that purpose, of any amount that may be desired, not exceeding ten mills on the dollar valuation, in any one year, on all lands and taxable property within the bounds of such road as described in section six of this act. That when any tax as

Levy of extra  
taxes.

Reduction or  
abatement of  
tax.

aforesaid, shall be levied, it shall be for the term of three years, and no longer, unless at the expiration of the three years, as aforesaid, the petition shall be renewed, and in that event, such tax shall be levied for the term of three years longer; provided, that, if at any time after the first levy is made the commissioners of any free turnpike road shall be satisfied that the road can be built with a less sum than is provided in this section, the county auditor shall, on the order of the commissioners of said road, reduce the extra tax, or abate it entirely; provided, that, when any of said freeholders have previously made, or have been previously taxed to make any free turnpike, already completed, or in progress of completion, they shall only be taxed pro rata as to the making of the remainder of said turnpike or the continuance thereof; provided further, that when any of said freeholders, or those from whom they derive their title, have, before the levy of said tax, improved, at their own expense, by macadamizing or graveling any portion of the line of said proposed free turnpike road adjacent to their lands, they shall, if by said improvement said portion has been made and maintained so as to be at that time wholly fit for a free turnpike road, be entirely exempt as to the lands and other property on either side of and opposite to said improved portion, from the payment of said extra tax; and if by said improvement said portion is in part only suitable for a free turnpike road, they shall in like proportion have credit upon said extra tax. Said pro rata tax exemption or credit shall be determined by said auditor and the commissioners of said proposed free turnpike road, at any time before the payment of said extra tax, upon the application of any person interested; but said determination by said auditor, may be reviewed and corrected by the court of common pleas, upon the petition of any person claiming such pro rata reduction, exemption or credit, and upon such evidence as may be produced upon the hearing. It shall be the duty of the county treasurer to collect the extra tax hereby provided for, in the same manner as state and county taxes are collected; provided, that the words "bounds of the roads" and "line of the road," wherever used in this act, shall be held to include so much land on either side of such road as may be charged with such extra tax.

Sections re-  
pealed.

SEC. 2. That sections, one, fifteen, sixteen, seventeen of the original act, and section twenty of said act, as the same was amended May 6, 1869, be repealed.

SEC. 3. This act shall take effect on its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To amend section seven of an act entitled "An act requiring annual settlements by county officers." (S. & C., p. 249.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seven of the above entitled act be amended so as to read as follows :

Section 7. Should the Clerk of the Court of Common Pleas neglect to make the report to the county commissioners as required in the second section of the act to which this act is amendatory, or should he neglect to pay over to the county treasurer the moneys required by said second section, and also all unclaimed costs in his possession as required by the third section of the act of March 18, A.D. 1839, as amended May 10th, 1861, he shall be liable to and shall pay a fine of not less than three nor more than five hundred dollars, which shall be collected by the county commissioners in an action of debt in the name of the county against such clerk, before the Court of Common Pleas; and such clerk may, moreover, be removed from office by the Court of Common Pleas of the county, upon complaint of county commissioners.

Penalty for clerk's neglect to pay over fees, &c.

SEC. 2. The said section seven in the original act is hereby repealed; and this act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To amend section four of an act further defining the duties of Coroners, passed April 3, 1856. (S. & C., 1405; Stat. 53 vol. 48.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of an act further defining the duties of coroners, passed April 3, 1856, (S. & C., 1405; Vol. 53 Statutes, page 48,) be amended so as to read as follows :

Section 4. In case the name of the person over whose body the inquest has been held, is unknown, the probate court shall make such order for the preservation of the property found on the person, other than money, as may be necessary for the future identification of said person. If the same is known, it shall make such other order as may to it seem best. The money found shall be applied, first to pay

Disposition of property found on deceased persons.

the expenses of saving the body of the deceased, of the inquest and burial, and the remainder, if any, shall be paid into the county treasury and become a part of the "general fund." If at any time thereafter proof shall be made to the satisfaction of the probate court or the county commissioners, of the right of any person or persons, by inheritance or otherwise, to said funds or any part of the same, it shall be its or their duty to certify the same to the county auditor, who shall thereupon draw an order on the treasurer of the county in favor of such claimant or claimants, for the sum so paid into the treasury: and it is hereby made the duty of all probate judges, to collect and pay into the treasury of their respective counties, to be paid over as herein provided, all moneys of which they are trustees, under the provisions of the original fourth section of said act, and the prosecuting attorney of each county is hereby required to prosecute all suits, in the name of the state of Ohio, that may be necessary to enforce the provisions of this act.

SEC. 2. That section four of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To amend an act entitled "an act to amend section one of an act passed February 10, 1857, amendatory to an act for the incorporation of townships," passed March 14, 1853. (S. & S., page 910.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be amended so as to read as follows:

**Change of  
boundary or  
partition of  
townships.**

Section 1. That it shall be lawful for the boards of commissioners of the several counties within this state, to alter or change the boundaries of any township or townships, or partition any township or townships among other townships within their respective counties, by attaching a part of one township to another, or by dividing one township and attaching the parts to other townships, or by laying off and designating a new township from the territory of one or more townships of the same county, whenever it shall be made to appear necessary or expedient, by a petition for that purpose signed by a majority of the householders residing within the bounds of the respective townships to be affected

by such partition or division; provided, that at least thirty days previous notice of such intended application shall be first given by advertisement at three public places within the bounds of the territory proposed to be partitioned, altered or changed; and the commissioners shall cause the boundaries of such township or townships so changed or altered, to be recorded in a book to be kept for that purpose, and shall give to every new township so laid off such appropriate name as they may think proper; provided, that no two townships in any county shall be incorporated by the same name. And whenever any boundary line between townships shall be in dispute, the commissioners of the county in which such townships are situated, shall, upon application of the trustees of one of said townships, and upon notice in writing to the trustees of said other township or townships, and on thirty days public notice published in some newspaper published within the county, establish said boundary line, and make a record of the same in a book to be kept for that purpose.

Adjustment  
of disputed  
boundaries.

SEC. 2. That said original section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To authorize the inhabitants of a portion of an incorporated town or village to become detached from such town or village, and annexed to an adjoining city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That where any city and an incorporated town or village shall adjoin each other, and the inhabitants of any portion of the territory constituting a part of such incorporated town or village shall desire to be detached therefrom and annexed to such city, it shall be lawful for the commissioners of the proper county, on the application of the council of said city, and on the written request of at least two-thirds of the legal voters inhabiting the territory proposed to be so attached and annexed, to cause such alteration to be made, and the boundaries of such city, and of such incorporated town or village respectively, to be established in accordance with such application and request, and such territory shall thereafter constitute and become a part of such city; provided, that in all their proceedings in the premises, said county commissioners shall, so far as the same are legally

Process of de-  
tachment  
and annexa-  
tion.

applicable, be governed by the laws now in force prescribing the mode and manner of proceeding on applications for the annexation of adjacent unincorporated territory to towns and cities; and provided further, that said commissioners shall ascertain and apportion the amount of the existing indebtedness of said incorporated town or village, which shall be assumed and paid by said city on the annexation of the territory aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 29, 1871.

## AN ACT

To amend section eight (8) of an act to provide for the uniform government and better regulation of the Lunatic Asylums of the state, and the care of idiots and the insane, passed April 7, 1856. (S. & C., 840.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eight of the above recited act be so amended as to read as follows:

Times of  
meetings of  
boards of  
trustees.

Section 8. The boards of trustees shall hold their annual meetings on the first Tuesday after the fifteenth day of November in each year, and quarterly meetings on the first Tuesday after the fifteenth days of February, May and August respectively, at their respective institutions. Special meetings for the appointment of resident officers, or for the transaction of general business, shall be held upon the written request of the president or two members of the board, of which ten days' notice shall be given to each member in writing by the president, stating the object for which the meeting is called.

SEC. 2. Said original section eight is hereby repealed.

SEC. 3. This act shall be in force from its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 29, 1871.

## AN ACT

To protect boats and other water craft.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall unlawfully and maliciously or wantonly loose, take, sink, injure, or deface, or in any other manner render the same unfit for use by the owner, any boat or other water craft used or kept by any person or persons within the state of Ohio, to be used on any river or other water course, or on any lake or pond within this state, they shall be deemed and held guilty of a misdemeanor under the provisions of this act.

Injury to  
water craft a  
misdemeanor

SEC. 2. Any person convicted of the violation of any provision of this act, shall be fined in any sum not less than five dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding forty days, or both, at the discretion of the court, and shall moreover be liable to the party injured in double the value of the property taken, injured or destroyed.

Penalty  
therefor.

SEC. 3. All fines collected under the provisions of this act, shall be paid into the treasury of the county where the offense was committed, for the use of common schools.

Disposition  
of fines.

SEC. 4. All convictions under this act shall be upon indictment.

SEC. 5. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 29, 1871.

## AN ACT

To amend an act entitled "An act for the Protection of Bees." (Swan & Sayler, 280.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first section of the above recited act be amended to read as follows:

Section 1. That if any person shall steal any hive, box, bee-palace or other contrivance containing honey, or honey-bees, the property of another, of less value than thirty-five dollars; or if any person shall steal honey from any such hive, box, bee-palace, or other contrivance as aforesaid; or if any person shall willfully and maliciously disturb, injure, or destroy any such hive, box, bee-palace or other contrivance containing honey or honey-bees; or if any person shall steal, or by any art, device or contrivance, or in any manner whatever, decoy from any such hive, box, bee-palace or contrivance, any such honey-bees, with intent to convert the same

Penalty for  
injuring bees,  
stealing  
honey, &c.

to his own use, or with intent to damage or defraud the owner thereof; or if any person shall by any art, contrivance or device, unlawfully and maliciously injure, damage or destroy any such honey-bees by means of poison or otherwise, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding one hundred dollars, and shall be confined in the jail of the county not less than ten nor more than thirty days, and pay the costs of prosecution, and shall, moreover, be liable to the party injured, in double the value of the property stolen, injured or destroyed.

Prosecutions  
for the of-  
fense.

SEC. 2. All prosecutions under the provisions of this act, shall be in the name of the state of Ohio, and may be brought before any justice of the peace in the county where the offense was committed, who shall proceed to judgment and final sentence, unless the defendant or defendants shall demand a trial by jury, in which case such justice shall sit as an examining court only, and discharge, recognize or commit to jail as in prosecutions for other minor offenses.

Disposition  
of fines.

SEC. 3. All fines and penalties collected under the provisions of this act, shall be forthwith paid into the treasury of the township where the offense was committed, for the use of common schools therein.

SEC. 4. The above recited act is hereby repealed; this act to be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 29, 1871.

## AN ACT

Supplementary to an act entitled "An act to provide for extending the protection and benefits of the Lunatic Asylums of the State to the chronic insane," passed April 12, 1870. (Ohio Laws, vol. 67, page 42.)

Construction  
of section  
two of origi-  
nal act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the act to which this act is supplementary, shall not be held to be in force until the additions to and enlargements of the several lunatic asylums of the state shall be completed, as authorized in section one of the act to which this is supplementary, and notice given thereof, as required in section five of the same act.

SEC. 2. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 29, 1871.

## AN ACT

To authorize the sale of the Fair Grounds of County Agricultural Societies and the purchase of other grounds in certain cases.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That when any county agricultural society in any county of this state, containing a city of the first class, with a population of one hundred and fifty thousand inhabitants, shall desire to sell the grounds used for the purpose of holding county fairs, owned in whole or in part by such county, and to purchase more eligible grounds, the board of directors of said county agricultural society shall notify the county commissioners of such desire, which notice shall contain a certified copy of the recorded resolution of said board of directors, setting forth the reasons in favor of a change of grounds, the location, quantity, and probable selling value of the grounds to be sold, as well as the location, quantity, price, and conditions of payment of the grounds which said board of directors desire the county commissioners to purchase; and upon the filing of such notice with the commissioners, signed by the president and secretary of said county agricultural society, the commissioners, if satisfied that the proposed change will be for the benefit of said agricultural society and for the interest of the county, are hereby empowered to purchase other grounds upon such terms and conditions as they may deem proper, at a cost not exceeding eighty-three thousand dollars, and which the board of directors of said agricultural society may approve, and to sell the grounds formerly used for holding fairs, and apply the proceeds of such sale towards the payment for the grounds so purchased, or if said county commissioners deem it necessary, such former fair grounds may be kept for any public use of the county; Provided, however, that before the sale of such grounds, the same shall be subdivided and sold at public auction, after advertisement of not less than thirty days, in some newspaper of general circulation, published in the county, in tracts of not more than five acres, and upon such terms as said county commissioners and the board of directors of such agricultural society may deem for the advantage of the county.

Procedure for  
sale of fair  
grounds in  
certain  
counties.

Before sale  
to be sold at  
auction.

**SEC. 2.** In case the sum realized from such sale is not sufficient to pay for the grounds so purchased, or if a satisfactory sale of the former grounds cannot be made in time to meet the payments for such other grounds as may be purchased, the said county commissioners are hereby empowered and authorized to make such payments from any unappropriated funds in the county treasury, or if no such funds are in the treasury at the time said payments are to be made, the said county commissioners are hereby empowered to issue the bonds of the county for full payment of the said grounds according to the terms of purchase, bearing legal interest and payable at the office of the county treasurer at

Where pay-  
ment for new  
grounds may  
be made  
from treas-  
ury; or bonds  
issued.

a time or times not exceeding five (5) years from the date thereof; provided, that in case such bonds are issued, the proceeds of the sale of the grounds sold, must be paid into the county treasury: provided, that the sum so paid in bonds and cash shall not exceed the sum total of eighty-three thousand dollars.

Levy for payment of bonds.

SEC. 3. That in order to provide means to carry out the provisions of the preceding section and to pay the bonds therein authorized to be issued, the county commissioners are hereby empowered to levy such annual assessment on all the taxable property of the county as will provide the amount of money required to meet the payments on such purchase, with interest according to the terms of purchase, and to meet the payment of any bonds that may be so issued with interest, which assessment shall be collected and accounted for [as] other county taxes by the proper county officers.

Title, control, &c.

SEC. 4. That while the title to the grounds so purchased shall be vested in the county commissioners, the control and management of the land and buildings shall be vested absolutely in the board of directors of such county agricultural society, and no change of name or other cause shall ever interfere in any manner with the control of the property or the management thereof, while said agricultural society is governed by the rules and regulations of the Ohio state board of agriculture.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 29, 1871.

## AN ACT

To authorize the corporate authorities of cities to acquire lands by purchase outside the corporate limits, for the purposes of a House of Refuge and Correction and Work House.

Lands may be purchased outside of city, for house of refuge, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for the corporate authorities of any city to acquire by purchase, and hold and possess lands without the limits of the corporation, for the purpose of establishing and maintaining thereon a house of refuge and correction and work house.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 29, 1871.

## AN ACT

Supplementary to the act entitled "an act to provide for the keeping in repair of gravel or macadamized roads heretofore or hereafter constructed under the laws of the state of Ohio, and to authorize county commissioners to convert such of said roads as charge and receive toll, into free roads," and explanatory of the 12th section of said act of May 7th, 1869. (O. L. vol. 66, p. 131.)

WHEREAS, doubts and differences of opinion as to the true intent and meaning of the 12th section of the aforesaid act, have arisen among those concerned in and charged with the execution of the provisions thereof; now, therefore, the more fully to define and explain the same,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That under the provisions of said section 12 of said act, the county commissioners shall, out of the bridge fund of the county, build and keep in repair all bridges and culverts upon the roads provided for in said act, whether such roads shall have been constructed before or after the passage thereof, or shall have been ordered or partly constructed before, and completed or partly completed after the passage thereof; Provided, that nothing in this act shall interfere with or affect any contract heretofore entered into under the act to which this act is supplementary.

Repair of  
bridges and  
culverts.

SEC. 2. This act shall take effect and be in force from and after the passage thereof.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 29, 1871.

## AN ACT

To authorize the election of an additional judge of the court of common pleas in the first sub-division of the second judicial district of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the second judicial district of said state, there shall be an additional judge of the court of common pleas, who shall be a resident of the first sub-division of said district, which is composed of the counties of Butler, Preble, Montgomery and Darke, and who shall be elected by the qualified electors of said sub-division on the second Tuesday of October, 1871, which election shall be held and the

Additional  
judge al-  
lowed in  
district.

returns thereof made in accordance with the laws now in force regulating the election of state and county officers.

Term of  
office, duties,  
etc.

SEC. 2. That the term of such additional judge shall begin on the first Monday in November, 1871, and he shall qualify in the same manner, hold for the same term, be elected with the same powers, duties and jurisdiction, and be liable to the same penalties as are now or may hereafter be conferred and enjoined by the constitution and laws of the state of Ohio upon other judges of said court.

Compensa-  
tion.

SEC. 3. That such additional judge shall receive the same compensation that now is or hereafter may be allowed to other judges of said court; and whenever a vacancy shall occur in said office, whether by expiration of term or otherwise, such vacancy shall be filled as in vacancies in the office of other judges of said court.

Vacancy.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

Giving the consent of the legislature of Ohio, to the purchase by the United States, of lands within this state for public purposes.

Consent for  
purchase  
given.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the consent of the legislature of the state of Ohio be and the same is hereby given to the purchase, by the government of the United States, or under the authority of the same, of any tract, piece or parcel of land, from any individual or individuals, bodies politic or corporate, at or near the towns or harbors of Conneaut, Ashtabula, Vermilion, Huron, Maumee outer range, and Toledo, and in any other place within the limits of this state, for the purpose of erecting thereon, light houses, range lights and needful buildings for the keepers thereof; and all deeds, conveyances of title-papers for the same, shall be recorded as in other cases upon the land records of the county in which the lands so conveyed may lie. The consent herein and hereby given being in accordance with the seventeenth clause of the eighth section of the first article of the constitution of the United States, and with the acts of congress in such cases made and provided.

Exempt from  
taxation.

SEC. 2. The lots, parcels or tracts of land so selected, together with the tenements and appurtenances, for the purposes before mentioned, shall be held exempt from taxation in the state of Ohio.

SEC. 3. This act shall take affect and be in force on and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To amend section four of an act passed February 16, 1870, supplementary to an act passed April 30, 1869, entitled "An act to authorize county commissioners to locate and construct turnpike roads."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of said act shall be amended to read as follows:

Section 4. If at any such election a majority shall be found in favor of the construction of free turnpikes, then the commissioners shall be authorized to proceed to levy taxes, issue bonds, and appropriate and expend money in the construction of such free turnpike roads, as in their judgment may be necessary to the public convenience and promotive of the public interest; subject, however, in all their proceedings, to the provisions, restrictions and limitations of existing laws on that subject; provided further, that in any case where the county commissioners shall receive or require donations of money or written agreements on the part of tax-payers subjecting their taxable property to taxation annually, to aid in the location and construction of roads as provided in section four of said act of April 30, 1869, when a majority of the tax-payers within the boundaries of said road shall sign such subscription or agreement, the commissioners shall thereupon be authorized to levy the amount thereof upon all the taxable property within the boundaries of said road, according to the benefits to said property, taking into consideration any assessments that may have been heretofore made. The boundaries of the road shall not be taken to include any property that does not lie within two miles of such contemplated improvement.

Levy of taxes, issue of bonds, &c.

SEC. 2. This act to take effect from and after its passage. Section four of the act entitled "An act supplementary to an act passed April 30, 1869, entitled an act to authorize county commissioners to locate and construct turnpike roads," (Vol. 67, p. 9,) is hereby repealed.

Repeal.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

Supplementary to "an act to authorize the county commissioners to construct roads on a petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein [named]." (S. & S., 671.)

Disposition  
of balances.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any balance of assessments made for the construction of any road under the act to which this is supplementary, remaining in any county treasury after the payment of all expenses incurred on account of any such road, assessable upon the lands within two miles thereof, shall be certified by county auditors, into the treasuries of townships through which any such road may be located, proportionably to the amount paid for the making of the same in each of said townships, to be expended under the order of the township trustees in repairing such road.

SEC. 2. This act shall take effect on its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate*

Passed May 1, 1871.

## AN ACT

To provide for the election of two additional judges of the court of common pleas in the first judicial district of the state of Ohio.

Two additional  
judges in  
Hamilton  
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be two additional judges of the court of common pleas, in and for the first judicial district of the state of Ohio, being the county of Hamilton, who shall be residents of, and elected by, the qualified electors of said county.

Their elec-  
tion.

SEC. 2. That the first election for said additional judges shall be held on the second Tuesday of October, A. D. 1871, and their terms of office shall commence on the first Monday of November thereafter, and said additional judges shall be again elected on the second Tuesday of October, A. D. 1876, and every five years thereafter, in the same manner and for the same term of office, as is prescribed by the constitution and laws of the state of Ohio, for the election of other judges of said court.

Compensa-  
tion, duties,  
etc.

SEC. 3. That said judges shall, when elected and qualified, receive the same compensation, and be paid in the same manner as the other judges of said court in said county, and shall have, in every respect, the same powers and jurisdic-

tion, discharge and perform the same duties, and be liable to the same penalties, as the other judges of said court.

SEC. 4. That when a vacancy shall occur in the office of said additional judges before the expiration of the regular term of office, such vacancy shall be filled as in case of vacancy in the office of the other judges of said court. Vacancy.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To amend section two of an act entitled an act requiring the return of Statistics, passed and took effect April 3d, 1868. (65 O. L., 54 ; S. & S., page 738.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above recited act be amended so as to read as follows:

Section 2. That the assessors shall make return of all the preceding statistics to their respective county auditors at the same time they return the list of personal property for taxation, and each county auditor shall make return of all such statistics returned to his office to the auditor of state, on or before the first day of August, annually; and if any assessor or county auditor shall neglect or refuse to make out and return statistics as required by this act, shall forfeit and pay to the state of Ohio any sum not less than twenty nor more than one hundred dollars, for the use of the common schools of the proper county; and it is hereby made the duty of the prosecuting attorney of said county, on notice being given by the auditor of state, whose duty it shall be to give such notice whenever any officer or officers shall neglect or refuse to make out and return statistics as required by this act, to proceed to collect said penalty in the name of the state of Ohio, before any court having competent jurisdiction, and he shall have ten per cent. of amount collected for his fees for collecting the same; and the state board of agriculture and commissioner of statistics shall have access to all statistics contemplated in this act, at the office of the auditor of state.

Assessors and county auditors required to make returns.

Penalty for neglect or refusal to do so.

Duty of prosecuting attorney and state auditor.

Access to statistics.

SEC. 2. That section two of the act to which this is amendatory, be and is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

Supplementary to an act entitled "An act to authorize the County Commissioners to construct Roads, on petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867. (S. & S., 671.)

Commission-  
 ers may va-  
 cate or aban-  
 don improve-  
 ment in cer-  
 tain cases,  
 &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of any county in this state, where any final order shall have been made or shall hereafter be made for the construction or improvement of any road under the act to which this is supplementary, or the acts amendatory thereto, may at any time before a contract is entered into for such improvement, vacate or set aside any proceedings theretofore had, relating to such improvement or any part thereof, or abandon any part of such proposed improvement without in any way impairing or affecting any orders or proceedings relating to the remainder of said improvement; and they may at any time after the contract is made, with the consent of the contractor for the improvement, or the part thereof to be affected, and also the consent of a majority of the petitioners for such improvement, whose lands lie within two miles of such part thereof, vacate and set aside the order for such improvement or any part thereof, or abandon any part of such proposed improvement if they deem it proper and advisable to do so; and in such case, if the order as to a part of such improvement is set aside and vacated, or a part of such proposed improvement is abandoned, such action shall not in any way impair or affect any order, contract, or proceeding relating to the remainder of such improvement; provided, that no assessment shall be made for the remainder of any such improvement, a part of which shall be abandoned, as aforesaid, upon any lands not lying within two miles of such remainder.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To amend section one (1) of an act passed and took effect April 13th, 1865, (62 vol. stat. 143; Swan & Sayler, 166), entitled "An act to authorize companies incorporated under the laws of this State, to hold personal and real property, and to carry on business beyond the limits of the State."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any company incorporated, or which may be incorporated under the laws of this state, for the purposes of mining or boring for petroleum or rock oil, or coal oil, salt, or other vegetable or mineral fluid in the earth, or for refining and purifying the same, quarrying stone, marble or slate, mining coal, iron, copper, lead or other minerals, or manufacturing the same, or for manufacturing cotton or woolen fabrics in whole or in part, or both, and carrying on business connected with the main objects of such corporation, may, in its corporate name, take, hold and convey such real and personal estate as is necessary for the purposes for which it was incorporated, and may carry on its business, or so much thereof as is convenient, beyond the limits of this state, and may there hold any real and personal estate necessary for conducting the same.

Corporations  
entitled to  
hold real es-  
tate beyond  
the limits of  
the state.

SEC. 2. That said original section one is hereby repealed.

SEC. 3. This act shall take effect upon its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To amend section two (2) of an act entitled "An act to amend the act entitled an act to amend the first section of an act entitled an act to authorize counties, townships, cities and incorporated villages to issue bonds in certain cases, as amended March 9th, 1866, (S. & S., p. 645,) and the second and third sections of the same act, passed and took effect March 10th, 1860, (S. & C., p. 1235,) and supplementary thereto," passed March 22d, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two (2) of the above recited act, passed March 22d, 1871, be amended so as to read as follows:

Section 2. That all bonds issued by virtue and in pursuance of the provisions of section one of the act to which this

Bonds to be  
numbered,  
registered,  
&c.

Proviso.

is an amendment, may be made payable to bearer, and shall be numbered and registered by the authorities issuing them. Each bond shall be for a sum not less than one hundred dollars, nor more than one thousand dollars, and shall become due at any period therein named, not exceeding twenty years from its date, and shall bear interest at any rate named therein, not exceeding eight per cent. per annum, payable in semi annual installments, being four per cent. half yearly; and each bond, with its coupons, may be made payable at any place designated therein; provided, however, that no bond shall be disposed of at less than its par value; and the proceeds of all such bonds shall be used for the redemption of an equal amount of the principal of bonds falling due, or to become due, as specified in the first section of this act, and for no other purpose whatever.

SEC. 2. That section two of the act to which this is an amendment, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

For the regulation of Parks in cities of the first class having a population of more than one hundred and fifty thousand inhabitants.

Board of  
park commis-  
sioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the improvement and control of all parks in cities of the first class having a population of more than one hundred and fifty thousand inhabitants, shall be vested in a board of park commissioners, which shall consist of nine members, to be appointed by the mayor, by and with the consent of the common council. They shall hold office for the term of three years, and the terms of those first appointed shall be respectively, for one year, for two years, and for three years, so that thereafter there shall be three appointed each year; provided, that the members of the existing board shall be members of the board created by this act for the remainder of their respective terms. The said commissioners shall be residents of the county in which a city of the first class, as aforesaid, is situated; and not less than six of the members of said board shall be appointed from the electors of such city. All vacancies in the board caused in any other manner than by the expiration of the terms thereof, shall be filled by the board for the unexpired term. All vacancies

caused by the expiration of terms shall be filled by the mayor, by and with the consent of council, and all members of the board shall serve without compensation.

SEC. 2. The regular meetings of the board shall be held monthly or oftener at the discretion of the chairman, and notice thereof shall be sent to the members at least three days previous. It shall be lawful for any three members of the board to call special meetings in the same manner as regular meetings are held, and a majority of the board shall be a quorum to transact business. The yeas and nays shall be taken on any question involving the purchase or lease of land, the making of any contract, or the expenditure of money, and entered upon their minutes; and it shall require a majority of all the members appointed to said board to authorize any such act.

Meetings of  
the board.

SEC. 3. The board shall cause accurate minutes to be kept of all their proceedings, copies of which, certified by the clerk, shall be received as evidence. They shall have power to employ a clerk, and such officers and employes as they may deem necessary, fix their salaries, and prescribe their duties. They shall also have power to make contracts for the improvement of the grounds, and the erection of the necessary structures thereon.

Minutes of  
the proceed-  
ings.

SEC. 4. The board shall have power to adopt rules for their government, and for the care, protection and government of the parks under their charge; and such rules, when approved by the common council, shall have the same effect and may be enforced by the same penalties as ordinances of the city; nor shall any commissioner, or any other person, whether in the employ of the board or otherwise, have any power to create any liability on account of said board, or the funds under its control, except by express authority of the board, conferred at a meeting thereof, duly and regularly convened.

Powers of the  
board.

SEC. 5. No commissioner, officer, or employe of said board, or member of the common council, or officer of the city government, shall be directly or indirectly interested in any contract, or work of any kind whatever relating to the improvements of any park, and any contract or work in which any such person shall have an interest, shall be void. It shall be the duty of any commissioner, or any other person having knowledge or information of the violation of this section, forthwith to report the facts to the board of commissioners. The board shall give reasonable notice to the parties interested, and at the earliest convenient day investigate the same, and hear the evidence offered on both sides. They shall have power to compel the attendance of witnesses and the production of books and papers, and the presiding officer shall have authority to administer the necessary oaths. If any commissioner be involved in the charge, such commissioner or commissioners shall not again sit or vote in the board, until the result of the investigation shall be determined, announced, and entered on the minutes of the board. A majority of the board, not involved in the charge, shall be

No commis-  
sioner to be  
interested in  
contracts,  
&c.

sufficient to decide the questions. If any commissioner shall be found, upon such inquiry, to have violated the provisions of this section, such finding shall at once operate as an expulsion from the board, and such place or places shall be deemed vacant. If any contract shall be found to violate the provisions of this section, it shall at once become void and of no effect, and no money shall be paid for services rendered or materials furnished under the same. The findings and orders of the board under this section shall be conclusive and binding, until set aside by legal proceedings, instituted and conducted according to the recognized methods of legal procedure, in a court of competent jurisdiction.

Names of contractors to be filed, &c.

SEC. 6. No money shall be paid at any time to any person or persons, claiming under a contract with the board, until such person or persons shall have first filed with the board his or their statement under oath, the names of all persons directly or indirectly interested in said contract, or in the proceeds or profits thereof, declaring that no other person or persons, other than those named, are interested, and that no person forbidden by section five (5) has any interest in the same. Any person making oath to such statement contrary to the truth, shall be deemed guilty of perjury, and liable to be prosecuted and convicted therefor in any court of competent jurisdiction.

Public notice to be given of the letting of contracts, &c.

SEC. 7. No contract exceeding the sum of five hundred dollars shall be made without giving public notice for at least ten days, in some newspaper of general circulation in the city, of the time and place where proposals will be received; contracts shall be made in writing in the name of the city, with the lowest and best bidders. Each contract shall be construed to contain a provision, that the board may order any alteration therein, addition thereto, or deduction therefrom, by an order in writing, signed by a person duly authorized thereto, but no extra sum whatever shall be claimed by the contractor or contractors, unless the written order be produced, and also a memorandum signed by such contractor or contractors, and some person duly authorized thereto by the board, fixing the sum to be allowed. For any reduction in the work to be done, no damages shall be allowed by reason of loss of profits. And all contracts as aforesaid, or any alteration therein, shall be subject to the confirmation of the common council of such city.

Liabilities in excess of funds forbidden.

SEC. 8. The board shall have no power in any way to incur any liability beyond the amount of the funds which may have been levied for park purposes, or appropriated to their order by council. And all purchases or leases of land for park purposes shall be made only by the common council upon the recommendation of said board.

Park fund.

SEC. 9. All moneys derived from levies made for park purposes, and all moneys from the general fund appropriated by council for such purposes, shall be placed in a special fund called the park fund, and shall be disbursed by the treasurer of such city, upon a warrant by the auditor, which shall be drawn in accordance with the order of the board, as certified to him by their clerk.

SEC. 10. The said board shall annually make a full report to the common council of their proceedings, with a detailed account of their receipts and expenditures, at such time as council may direct. They shall also make out and forward to council, at any time that they may be required, an estimate of the amount of money necessary to carry on the improvements for the next year, and forward the same to council for their information in making the annual levy. Report of board.

SEC. 11. The provisions of chapter twenty-seven of an "act to provide for the organization and government of municipal corporations," passed May 7, 1869, (O. L., vol. 66, page 149,) are hereby declared not to affect cities to which this act is applicable, and this act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

### AN ACT

To repeal section one of an act passed April 13, 1865, (Swan & Sayler, page 735,) entitled an act "to amend sections one, two, three and four of an act to provide for the completion of the state house, and for the care of the buildings and grounds," passed April 21, 1862, and to provide for abolishing the office of superintendent of the state house, and transferring the care of the state house and grounds to the comptroller of the treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the act above recited, be and the same is hereby repealed, and the office of superintendent of the state house abolished. Repeal.

SEC. 2. The custody and care of the state house, and grounds attached thereto, belonging to the state of Ohio, shall be and the same is hereby transferred to the comptroller of the state treasury; and the said comptroller is invested with all the power and authority, and charged with all the responsibilities now devolving on the superintendent of the state house; and the said comptroller shall be entitled to receive for such service the sum of three hundred dollars in addition to the salary he is now entitled to receive as comptroller of the treasury. Duties of state house commissioner transferred to the comptroller of the treasury. Additional compensation.

SEC. 3. This act shall take effect and be in force from and after the 31st day of May, A. D. 1871.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To amend section thirty-two of an act entitled "an act for opening and regulating [roads and] highways," passed January 27, 1853, amended April 7, 1865, as amended March 1, 1869. (O. L., vol. 66, page 20.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section thirty-two of said act be amended so as to read as follows:

Viewers' re-  
port and pro-  
ceedings  
thereon.

Opening  
road.

Repairs.

Payment of  
expenses.

Section 32. That the viewers shall make a report in writing to the trustees, setting forth their opinion in full for or against the establishment of such road, and if the opinion of said viewers shall be in favor of the establishment of such road, the report shall state the width to which such road shall be opened, which shall not be less than thirty nor more than sixty feet, together with a statement of the damages, if any, assessed to each person through whose land the road is proposed to be established; which report, together with a return and plat of the survey of said road, shall be deposited with the township clerk, who shall notify the trustees thereof; whereupon the trustees shall, at their next meeting, cause the said report to be read, and if the same be in favor of establishing said road, and the trustees deem it reasonable and just, they being satisfied that the damages, if any, have been claimed and assessed, have been paid or secured to be paid by the petitioner or petitioners, the clerk of the township shall enter the said report on record, and the trustees shall issue their order to the petitioner or petitioners, or any of them, to open said road to the width named in the report of said viewers, and the same shall be considered a private or township road, subject to be kept open and in repair at the expense of the applicant or applicants for the same; provided, however, that any township road which commences in a state, turnpike, township or county road, and is not less than thirty feet in width, and passes on and intersects another state, turnpike, county or township road, shall be open and kept in repair by the supervisor in whose district any such township road may be situated, in whole or in part, and the costs of the view and survey of such road shall be paid out of the township treasury; but if the viewers shall report that the prayer of the petitioner or petitioners is unreasonable and ought not to be granted, no further proceedings shall be had therein by said trustees; and all costs accruing under the provisions of this section shall be paid by the person or persons making application for such road, except as hereinbefore provided.

SEC. 2. That section thirty-two of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To amend sections nine and nineteen of an act authorizing County Commissioners to purchase land for the use of Court Houses, Jails and County Infirmaries, and to erect buildings thereon; to build Bridges, and prescribing their duties in the construction of, addition to or alteration of any Court House, Jail, County Infirmary or Bridge; and to repeal certain acts and parts of acts therein named, passed April 27, 1869, (66 vol. Ohio Laws, page 52.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections nine and nineteen of said act of April 27, 1869, be so amended as to read as follows:

Section 9. That after such plans, descriptions, bills of materials, specifications and estimates as are in this act required, are made and approved in accordance with the requirements of this act, it shall be and hereby is made the duty of the county auditor to give public notice, in at least two newspapers of the county, of the time and place, when and where sealed proposals will be received for performing the labor and furnishing the materials necessary to the erection of any court house, jail, county infirmary or bridge, or any addition to, alteration or improvement thereof, and a contract or contracts, based on such sealed proposals will be made, which notice shall be published weekly four consecutive weeks next preceding the day named for the making of such contract or contracts, and in two of the principle papers in any such county having the largest circulation therein, but if there is only one paper published in such county, then it shall be published in such paper, which notice shall state when and where such plan or plans, descriptions, bills and specifications can be seen, and which shall be open to public inspection at all reasonable hours, between the date of such notice and the making of such contract or contracts; provided, that when the cost of a building or a bridge, or of making any addition to or repair of any public building, will not exceed one thousand dollars, the commissioners may, if they are of the opinion that the interest of the public will be the best subserved thereby, cause such building or bridge to be built, or such addition or repair to be made by private contract, without publication or public letting, as is provided in this and the following section.

Advertising  
for proposals.

Section 19. That before the county commissioners shall purchase any lands or erect any building or bridge as provided in this act, the expense of which shall exceed one thousand dollars, they shall be required to publish and circulate hand-bills, and publish in one or more newspapers of the county, notice of their intention to make such purchase, erect such building or bridge, and the location of the same, for at least four consecutive weeks prior to the time that such purchase, building or location shall be made; and they shall

When commissioners  
shall advertise for proposals.

hear all petitions for and remonstrances against such proposed purchase, location or improvement.

SEC. 2. That said sections nine and nineteen of said act of April 27, 1869, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

Prescribing the rates of State taxes.

Annual levy  
of taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be levied, annually, taxes for state purposes on each dollar of valuation of the taxable property in this state, as valued and entered on the grand duplicate of taxable property, taxes as follows:

For general revenue purposes, being the expenses of the state, the benevolent institutions, and such other charges as by law are payable from said fund, one and one-tenth mill.

For sinking fund, for the payment of the interest and the constitutional reduction, and further payment of the principal of the debts of the state, eight tenths of one mill.

For the support of common schools, one mill.

SEC. 2. This act shall take effect from its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To amend section one hundred and twenty-two of an act entitled "An act to establish a code of criminal procedure for the State of Ohio," passed May 6, 1867. (O. L., vol. 66, page 205.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and twenty-two of the act entitled "an act to establish a code of criminal procedure for the state of Ohio," be amended so as to read as follows:

Section 122. When the venue is changed to an adjoining county, the clerk of the county in which the indictment was found shall make out a certified transcript of all the proceedings in the case, which, together with the original indictment, he shall transmit to the clerk of the court to which the venue is changed, and the trial shall be conducted in all respects as if the offender had been indicted in the county to which the venue has been changed. And it shall be and hereby is made the duty of the prosecuting attorney of the county where said offender was indicted, to take charge of and try said cause in the county to which the venue is changed, the same as if tried in the county where the indictment was found, and the court may, on application being made, appoint one or more attorneys to assist said prosecuting attorney in such trial, and allow such compensation therefor as the court shall deem reasonable. The costs accruing from a change of venue, including a reasonable compensation to the person or persons appointed to assist said prosecuting attorney in trying said case, shall be paid by the county in which the indictment was found; and the commissioners of the county in which the indictment was found shall allow and pay to the prosecuting attorney thereof his reasonable expenses incurred in consequence of such change of venue.

Proceedings  
on change of  
venue.

Duty of  
prosecuting  
attorney.

Costs.

SEC. 2. That said original section one hundred and twenty-two be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To regulate the transportation manufacture, and storage of Nitro-Glycerine in the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful to transport or carry the substance or material generally known and called nitro-glycerine, into, out of, within, through or across this state, except as herein provided. Every wagon, cart or other vehicle used in carrying nitro-glycerine, shall have printed upon both sides and ends thereof, in plain and distinct letters, large enough to occupy a space of two inches wide by eighteen inches long, the words "nitro-glycerine"—"dangerous;" and every package, can, cask, barrel or box containing nitro-glycerine shall have written or printed thereon, upon two sides thereof, in plain and distinct letters, the words "nitro-glycerine"—"dangerous."

Transporta-  
tion of nitro-  
glycerine.

Not to be carried with passengers.

SEC. 2. Every railroad, stage coach, steamship, vessel or other watercraft within this state, whose business it is to carry passengers, or who shall at the time be engaged in carrying passengers, are hereby prohibited from carrying or having on board thereof nitro-glycerine; and it shall be unlawful for any person, persons or company to permit any passenger to ride on any conveyance as aforesaid that has on board thereof any of the substance or material aforesaid.

Manufacture and storage.

SEC. 3. It shall be unlawful for any person or persons to manufacture nitro-glycerine within this state, within a distance of one hundred and sixty rods of any occupied dwelling or public building, or to store the same in any quantity exceeding one hundred pounds within the limits of any city or incorporated village, or in any other place within one hundred and sixty rods of any occupied dwelling or public building.

Penalties.

SEC. 4. Any person or persons knowingly offending against the provisions of this act, shall be deemed guilty of a crime, and on conviction thereof, shall pay a fine not exceeding one thousand dollars, or be imprisoned in the county jail not more than three months, or both, at the discretion of the court.

SEC. 5. This act shall be in force from its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To amend section four of an act to exempt the homestead of families from forced sale on execution to pay debts, passed March 23, 1850. (48 vol. Stat. 29; S. & C., 1145.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the above entitled act be so amended as to read as follows:

Rights of widows and widowers.

Section 4. Every widower having an unmarried minor child or children residing with him as part of his family, and every widow shall have the benefit of this act in the same manner as married persons, and married persons living together as husband and wife, shall be entitled to the exemptions in this act provided, although they shall have no children; and, provided further, that in no case shall the husband and wife, each be entitled to hold the exemptions specified in this act severally at the same time.

SEC. 2. That original section four be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

Amendatory of and supplementary to the act entitled "an act to create a lien in favor of mechanics and others in certain cases."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be so amended as to read as follows:

Section 2. That every mechanic or other person doing or performing any work toward the erection, construction, alteration or repair of any house, mill, distillery, bridge, manufactory, fixture, road, turnpike, street, sewer, ditch, railroad, or other structure, building or appurtenance, or any boat, vessel or other water craft erected, constructed, altered or repaired under a contract between the owner thereof or the board, corporation or company first authorizing and contracting for such work, and the builder or other person, whether such work shall be done as journeyman, laborer, carman, sub-contractor or otherwise, or any person who shall furnish materials for the construction or repair of any such building, structure, fixture or vessel, whose demands for work so done or materials so furnished, have not been paid and satisfied, may deliver to or file with such owner, board, corporation or company, or the secretary, clerk or agent thereof, an attested account of the amount and value of the work and labor thus performed or materials furnished and remaining unpaid; and thereupon such owner, board, corporation or company shall retain, out of his or its subsequent payments to the contractor, the amount of such work and labor or material for the benefit of the person so performing or furnishing the same.

Filing of account for labor, etc.

SEC. 2. Any such mechanic or other person may beforehand notify in writing such owner, board, corporation or company, or the secretary, clerk or agent thereof, of his agreement and intention to do such work or furnish such material, stating the kind, amount and value thereof, and thereupon, out of any payments due or to become due to the contractor, within ten days from the receipt of said notice, said owner, board, corporation or company shall retain the amount specified therein till the expiration of said period, for the benefit of the mechanic or other person so doing such work or furnishing such materials; and if such mechanic or other

Notification of intention, etc.

person deliver or file his attested account as aforesaid, on account of the work or material mentioned in said notice, during said ten days, the same shall be deemed and held, to all intents and purposes, except as to the time of payment and the giving of notice thereof to the contractor, to have been delivered or filed as of the date of said notice; and in case there shall not be funds in the hands of such owner, board, corporation or company, applicable to and sufficient for the payment of the sum named in said notice, he or it shall forthwith, on the receipt of said notice, notify in writing such mechanic or other person of the fact, stating the amount of such funds, if any, applicable to such payment.

Tenure of  
lien.

SEC. 3. That if out of such subsequent payments due or to become due to such contractor, such mechanic or other person so delivering or filing his attested account, shall not, within twenty days thereafter, or if there be any disagreement as to amount claimed, then within ten days after the adjustment thereof, in accordance with the provisions of said original act, be paid, he shall have a lien as of the date of the filing of such attested account for the amount of such work or materials, not exceeding the amount of such payments, upon such building, structure, fixture or appurtenance, not being public property, whereon or for which such work was done or material furnished, and the lot of land on which the same shall stand, in the manner and to be enforced as provided in said original act, to which lien that of the principal contractor shall be postponed; and any assignment or transfer by such contractor of his contract with or claims arising thereunder against such owner, board, corporation or company, and all proceedings in attachment or otherwise against such contractor to subject such claims to the payment of any debt other than a debt for such work or materials, shall save and be subject to the claims of every such mechanic or other person so performing such work or furnishing such materials.

Pro rata pay-  
ments.

SEC. 4. That where at any time anything is paid under this act on any such attested account, there are more than one such account in the hands of such owner, board, corporation or company entitled to immediate payment, and the funds applicable thereto are insufficient to pay all in full, they shall be paid pro rata, without regard to date of their delivery or filing, any such owner, board, corporation or company, failing to comply with any requirement of this act, shall be liable in a civil action for any loss occasioned thereby. The words "lot of land" used in this act shall be held and considered to mean the estate of such owner, board, corporation or company therein; and the word "materials" shall be held to include any material, apparatus or machinery.

SEC. 5. This act shall take effect on its passage, and said original section two is hereby repealed; but no right existing thereunder at the date of the passage hereof shall be in anywise affected.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To amend sections one and two of an act entitled "An act to distribute among the several counties of the State the surplus volumes of the Ohio reports in the State Library," passed April 8th, 1865. (S. & S., page 623; 67 Vol. Statutes, 101,) and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one and two of the aforesaid act be so amended so as to read as follows:

Section 1. That the secretary of state be and he hereby is required to supply to any of the counties of this state such surplus volumes of the Ohio reports and Ohio state reports in the state library, or in the custody of said secretary of state, as the clerks of the courts thereof shall respectively certify to be missing or lost; provided, that there shall always be retained in the state library of each of the volumes of said reports at least the number of 50, except as to the volumes two and five of the Ohio state reports, now in the custody of the Ohio state librarian, which for the purposes of distribution to counties in which they are deficient at this time, he is authorized to reduce to thirty-four copies of volume two and thirty-eight copies of volume five.

Surplus volumes, how disposed of.

Section 2. It shall be the duty of the commissioners of each county to provide, at the expense of said county, a suitable book-case in which the clerk shall keep the said reports for the use of the courts and the bar during the terms of the courts, and all volumes so supplied to any clerk shall be stamped on the outside cover thereof, "The property of \_\_\_\_\_," (inserting the name of the county to which the volume is supplied,) and the clerk of such court within such counties so supplied, shall be responsible for their safety and preservation, and shall be required to supply any volumes hereafter lost or mislaid at his own expense, unless he shall satisfactorily show that the same was lost or destroyed by unavoidable accident.

To be kept in suitable book-cases.

SEC. 3. And volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 20 of the Ohio Reports having become exhausted, and out of print, the secretary of state is authorized and directed to have one thousand copies of each of the same printed, under the printing contract now subsisting, and by the public printers, and in the same style as the other volumes of said reports have heretofore been printed, and bound in law binding, at the binding department in the institution for the education of the deaf and dumb, and placed in the charge of said secretary, at the earliest practicable time; and that said secretary, as fast as the same are received, first to supply to the clerks of the several counties the volumes deficient therein, taking, in every case, the receipt of such clerk for the same; and that the residue of said books, except two hundred of each volume thereof, be sold by, and under the direction of said secretary of state, to persons only, in single copies of any volume, and for the

Re-print of exhausted volumes.

Deficiencies to be supplied.

Sale of residue volumes, &c.

actual use of such person, at a price per volume of not less than two dollars and fifty cents per volume; and that the moneys arising from such sales, be, by said secretary, as often as once in every quarter of the year, accounted for specifically, and certified and paid into the state treasury, to the credit of the general revenue fund of the state.

SEC. 4. This act shall be in force from and after its passage, and the said original act of April 8th, 1865, is hereby repealed.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

Supplementary to an act entitled "an act to authorize the County Commissioners to construct roads on a petition of a majority of resident land owners along and adjacent to the line of said road, and to repeal an act therein named," passed March 29, 1867, (S. & S., 71.) and an act amendatory thereof, entitled "an act to amend sections 1, 2, 4, 5, 6 and 11 of an act entitled an act to authorize the County Commissioners to construct roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867," passed March 31, 1868, (S. & S., 673.)

Additional  
assessments  
for complet-  
ing roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when it shall be ascertained by the county auditor that the assessments on land upon the duplicate, are not sufficient to pay for the construction of any road which has been constructed under the provisions of any law or laws authorizing county commissioners to construct roads on petition of a majority of resident land owners along and adjacent to the line of said road, then said auditor shall add to said assessments, pro rata, the amount that the actual expense shall be found to be, more than the said assessments on the duplicate, and said additional assessments shall be placed upon the same duplicate with previous assessments for the construction of the same road, and shall be collected in like manner as said previous assessments.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To amend sections 10 and 11 of an act entitled "An act to amend an act for opening and regulating roads and highways," passed January 27, 1853; passed April 8th, 1856.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said section ten be and the same is hereby amended so as to read as follows :

Section 10. That every claimant of damages on account of the establishment or alteration of a county or township road, or the alteration of a state road, may appeal to the probate court, from the final decision of the county commissioners or township trustees, confirming the assessment of damages made by the viewers in his behalf, or the refusal of the viewers to award damages to him, which appeal shall be perfected and docketed in the mode hereinbefore prescribed in section four, except that the appellant shall be the plaintiff, and the obligors in the bond mentioned in the second or thirty-first section of the act aforesaid, as the case may be, shall be the defendants. Several claimants may unite in a joint appeal, although their claims may be distinct, or they may severally appeal. Upon such an appeal, whether joint or several, the probate court shall confine itself to the question or questions of damages presented by it, and shall forthwith, after the docketing thereof, cause a jury of twelve men to be selected, and returned by the sheriff and clerk of the county in accordance with the provisions of the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30th, 1852, and shall forthwith, after receiving the names of such jurors, issue a venire commanding them to appear in said court, on a day and hour named in the venire, which shall not be later than the twentieth day from its date, to serve as jurors upon the trial of said claim or claims; and shall also issue a summons or notice to all such appellants, whether joint or several, and to the obligors aforesaid, to attend at the same time and place, which summons or notice shall be served by delivering to each person named therein a copy thereof, or by leaving such copy at his usual place of abode. If any of the parties are non residents of the county, but have an agent or attorney therein, service on such agent or attorney in manner aforesaid, shall be sufficient, or a summons or notice may be sent to another county for service upon any party residing or being therein. If an appellant is a non-resident as aforesaid, it shall be his duty, when he perfects his appeal, to leave with the probate judge the name of an agent or attorney in the county, upon whom service may be made as aforesaid, and if he fail to do so, no service upon him shall be necessary. Service upon a guardian shall be sufficient service upon his ward.

Claimant of damages may appeal to probate court.

Joint appeal.

Proceedings thereon.

Non-residents.

SEC. 2. That said section eleven be so amended as to read as follows :

**The jury.** Section 11. If any of said jurors fail to attend, or shall for good cause be excused from serving, or shall be set aside on account of a challenge, the panel shall be filed with the talesman as in other cases. Each party shall be entitled to two peremptory challenges, and may make any number of challenges for cause. In respect to challenges, the appellant or appellants, whose claims are on trial, shall be considered as one party, and the obligors as the other. The jury shall be sworn in all the causes, whether the appeals were joint or several, at the same time, unless for good cause shown, the court shall otherwise direct. The oath of the jury shall conform, as nearly as may be, to the oath for the jury prescribed by the act entitled "an act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30th, 1852. On motion of either party, or of any one of the appellants, the jury shall then, under the care of an officer of the court, and with such person or persons as the court may appoint, to show them the premises; and before any testimony shall be given, except the plat and field notes of the road and the title papers, if produced of the claimants, which they shall take with them, proceed to examine the road as established or ordered, and the property of the several claimants taken therefor or alleged to be injured thereby; and after making such examination, shall return to the probate court at the time the court shall have appointed; whereupon (or upon the jury being sworn, if no view is moved for) the trial of said claims in the order the court shall direct, or any number or all of them at the same time if the parties so agree, shall be proceeded with in the same manner as in other jury trials in said court; provided, that if any claimant elects to have his claim tried separately he shall be entitled thereto. The jury shall render a separate verdict upon each claim, which shall be entered upon the record of the court, and a new trial shall not be granted except for misconduct of the jury; nor shall an appeal, except by petition in error, as hereinafter provided, be taken to any other court.

**Their oath.**

**The trial.**

**Separate verdict.**

SEC. 3. That said original sections numbers ten and eleven, be and the same are hereby repealed, and this act shall take effect from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To provide for the trial and removal of municipal officers from office.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That on complaint in writing, under oath, filed with the probate judge of the county in which the corporation is situated, by any elector or citizen of the corporation, signed and approved by four other electors or citizens of said corporation, charging that any member of the council or alderman has received any compensation for his services, directly or indirectly, as councilman, alderman, committeeman, or otherwise, contrary to the provisions of section ninety-one of the act "to amend an act to provide for the organization and government of municipal corporations, passed May 7, 1869, as amended April 18, 1870," or that any alderman, member of the council, or any officer of the corporation, is or has been interested, directly, or indirectly, in the profits of any contract, job, work, or services, or is, or has been acting as commissioner, architect, superintendent or engineer in any work undertaken or prosecuted by the corporation, contrary to the provisions of section ninety-two of the municipal code entitled "an act to provide for the organization and government of municipal corporations," passed May 7, 1869, or that any alderman, member of council or any officer of the corporation has been guilty of misfeasance or malfeasance in office, the probate judge shall forthwith issue a citation to said party, charged in said complaint, for his appearance before said probate judge within ten days from the filing of said complaint, and also furnish the accused and city solicitor with a copy of said complaint; provided, that the probate judge shall require the party complaining to furnish sufficient security for costs before acting upon such complaint.

Charge of  
malfeasance,  
&c., in office.

Citation by  
probate  
judge.

SEC. 2. That on the day fixed by said probate judge for the return of said citation, it shall be the duty of the city solicitor to appear on behalf of said complaint to conduct the prosecution, and the accused may also appear by counsel, and a day shall be set for hearing the case, not more than ten days distant, and if a jury be demanded by either party, the probate judge shall direct the summoning of twelve men in the same manner as is provided in chapter forty-seven, section five hundred and seventeen, of the act to provide for the organization and government of municipal corporations, passed May 7, 1869; provided, that in villages and cities in which there is no office of city solicitor, and where the city solicitor shall be accused of any misfeasance or malfeasance in his office, it is hereby made the duty of the prosecuting attorney of the county, to appear on behalf of said complainant to conduct the prosecution.

Proceedings  
thereon

SEC. 3. That on the day fixed for the trial of said case, if a jury is empaneled, either party may, in addition to the peremptory challenges now allowed by law in other cases, for good cause, object to any jurymen summoned, and any va-

Challenge of  
jurors.

cancies occurring for any cause may be filled by the probate judge from the bystanders, until the panel is full, unless the party charged, or his counsel, shall demand a special venire to fill such vacancy.

The trial.

SEC. 4. That on the day designated for the trial, it shall take place, unless continued on affidavit, for good cause shown, to another fixed time, not exceeding ten days; and on the trial it shall be the duty of the city solicitor to appear for the prosecution, examine witnesses designated by the complainant and such others as he may discover, and either party may have process from the probate judge to compel the attendance of witnesses.

Removal of  
officer if  
found guilty.

SEC. 5. Should the charges in the complaint aforesaid be sustained on the trial by the verdict of the jury, or the decision of the probate judge when there is no jury, the probate judge shall enter the charges and findings thereon upon the record of the court, and make an order removing said officer from office, and forthwith transmit a certified copy of the same to the president of the council, when the vacancy shall be filled as is now provided by law; the cost and expenses of the trial shall be charged upon the party filing the complaint, the accused, or the municipal corporation, or distributed among them as the judge may see fit to direct, and shall be collected as in like cases; provided, that if proceedings in error shall be instituted by the officer complained of, to reverse or vacate the order of the probate court, the officer removed shall not exercise the functions of his office until such order be finally reversed or vacated; provided, no costs or expenses shall be charged to the accused, if upon such trial he shall be acquitted.

Costs.

SEC. 7. [6.] This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To authorize County Commissioners to unite with Cities in the erection and maintenance of Work Houses.

County commissioners  
may unite  
with cities in  
the erection  
of work-  
houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the commissioners of any county within this state to unite with any city, located in such county, in the erection, management and maintenance of a work house for the joint use of such county and city; and said commissioners are authorized to levy and collect the necessary funds therefor from the taxable property of such county; provided, that said commissioners shall not

collect and expend a greater amount than shall be collected and expended by such city for the same purpose; and provided further, that the management of such work house shall be under and in pursuance of chapter XX. of an act entitled "an act to provide for the organization and government of municipal corporations," passed May 7, 1869, and such laws as may be hereafter passed relating to the same subject: Provided, that not more than ten thousand dollars shall be levied or appropriated by the commissioners for such purpose, unless the amount be approved by a majority of the voters of the county, exclusive of the city, voting at some general election.

SEC. 2. This act shall be in force from and after its passage.

J. R. COCKERILL,  
*Speaker pro tem. of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

#### AN ACT

To amend section sixty-seven of an act entitled "an act to provide for the organization and government of Municipal Corporations," passed May 7, 1869. (O. L., vol. 66, p. 161.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixty seven of an act entitled "an act to provide for the organization and government of municipal corporations," passed May 7, 1869, (O. L., vol. 66, page 161,) be and the same is hereby amended so as to read as follows:

Section 67. When any officer shall remove without the limits of the corporation, such removal shall be deemed a vacating of the office, and the vacancy shall be filled as in other cases; provided, however, that the provisions of this section shall not be held to apply to either the city solicitor or police judge.

Removal to  
to create a  
vacancy; ex-  
ceptions.

SEC. 2. That original section sixty-seven of the above entitled act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,  
*Speaker pro tem. of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

Prescribing the rate of Taxation for county, bridge, road and township purposes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners are hereby authorized, annually, at their June session, to levy on each dollar of the taxable property of their respective counties as valued and entered on the list of taxable property of such county, taxes at the rates herein specified, namely :

Taxation for  
county pur-  
poses.

For all county expenses, other than expenditures for roads, bridges, county buildings, sites therefor, and the purchase of lands for infirmity purposes—where the amount of such taxable property does not exceed three millions of dollars, not to exceed five mills; where the amount of such taxable property exceeds three millions and does not exceed five millions of dollars, not to exceed three and five-tenths mills; where the amount of such taxable property exceeds five millions, and does not exceed eight millions of dollars, not to exceed two and five tenths mills; where the amount of such taxable property exceeds eight millions, and does not exceed eleven millions of dollars, not to exceed one and eight tenths mills; where the amount of such taxable property exceeds eleven millions of dollars, and does not exceed fifteen millions of dollars, not to exceed one mill and five tenths of a mill; where the amount of such taxable property exceeds fifteen millions, and does not exceed twenty-five millions of dollars, one mill and three-tenths of a mill; where the amount of said taxable property exceeds twenty five millions of dollars, and does not exceed seventy millions, one mill and one-tenth of a mill; where the amount of said taxable property exceeds seventy millions and does not exceed one hundred millions, seven-tenths of a mill; and where the amount of such taxable property exceeds one hundred millions, six-tenths of a mill.

For the purpose of building county buildings, purchasing sites therefor, and lands for infirmity purposes—where the amount of such taxable property does not exceed three millions of dollars, four mills and five-tenths; where the amount of such taxable property exceeds three millions and does not exceed five millions of dollars, three mills and eight tenths of a mill; where the amount of such taxable property exceeds five millions and does not exceed eight millions of dollars, three mills; where the amount of said taxable property exceeds eight millions of dollars and does not exceed eleven millions of dollars, two mills; where the amount of such taxable property exceeds eleven millions of dollars and does not exceed fifteen millions of dollars, not to exceed one mill and five-tenths of a mill; where the amount of such taxable property exceeds fifteen millions and does not exceed fifty millions of dollars, not to exceed one mill; where the amount of such taxable property exceeds fifty millions, not to exceed six tenths of a mill. The commissioners of Hamilton county may levy a tax not exceeding three-tenths of one mill on the

dollar of the taxable property of said county, to aid in the support of the Longview asylum.

#### COUNTY, ROAD AND BRIDGE TAXES.

SEC. 2. That the commissioners of the respective counties in the state are hereby authorized, at a special session in May, 1871, and thereafter at the March session of their board, annually, to levy for road and bridge purposes, as follows: In counties where the taxable property exceeds the sum of eighty millions of dollars, not more than three-tenths of a mill; in counties of fifty millions of dollars of taxable property, and less than eighty millions, not more than seven-tenths of one mill; in counties of less than fifty millions of dollars of taxable property, and more than twenty millions, not more than one mill and one tenth of a mill; in counties where the taxable property is less than twenty millions of taxable property, and over ten millions, not more than one and five tenths mills; in counties where the taxable property is less than ten millions of dollars, not more than two and five tenths mills; in counties where the taxable property is less than five millions of dollars, not more than three and five tenths mills; and the auditor of the county shall place the same on the tax duplicate of the current year, to be included in and collected in the December installment of taxes, except as otherwise provided by law. The county commissioners shall set apart such portion of the road tax by them levied, as they may deem proper, to be applied to the building or repairing of bridges in their respective counties, which portion so set apart shall be called a bridge fund, and shall be entered on the duplicate of taxes for the county by the auditor of the county in a separate column from the other levies for road purposes, and shall be collected in money, and expended, except as may be otherwise provided by any local law heretofore enacted, under the direction of the commissioners of the county in the building or repairing of bridges and culverts, or both, in their respective counties; Provided, that in case an important bridge or bridges, belonging to or maintained by any county, shall be destroyed by any casualty, and the restoration thereof may be necessary for public accommodation, the commissioners of such county may levy a special tax for that purpose, not exceeding one half mill on the dollar of the taxable property of such county, the proceeds of which tax shall be applied solely to the restoration of such bridge or bridges; provided further, that nothing herein contained shall affect the right of city councils to receive and expend the proportion of the levy herein, as authorized by the six hundred and forty-first section of the municipal code.

For road and bridge purposes.

Bridge fund.

SEC. 3. The county commissioners of any such county shall not levy any tax or appropriate any money for the purpose of building public county buildings, purchasing sites therefor, or for lands for infirmary purposes, or for building any bridge except in case of casualty, as provided for in sec-

Limitation of taxation.

Submission  
to vote of  
electors.

tion two (2), the expense of which shall exceed ten thousand dollars, without first submitting to the qualified voters of said county the question as to the policy of building any public county building or buildings, or for purchasing sites therefor, or for the purchase of lands for infirmity purposes by general tax, which said submission shall be made at the annual fall election in October, A. D. 1871, or any annual fall election thereafter; each proposition shall be separately submitted, and printed tickets shall be provided by the said county commissioners, on which shall be printed, for — tax; yes; which blank shall be filled with a proper designation of the proposed improvement, as the notice may require; and said commissioners shall cause the same notice for such vote to be given as is required in the election for state and county officers. It shall be the duty of the judges of election in the several townships and wards in any county in which such question may be submitted as aforesaid, on the day of the annual fall election, A. D. 1871, or at any fall election thereafter, to open a poll for taking said vote, and to receive and count the ballots cast, and within three days thereafter to return to the auditor of the county a full and correct abstract of said votes; and the said judges of election shall in all respects be governed by the laws regulating general elections, and shall be entitled to the same compensation for returning said poll books, which shall be paid out of the county treasury on the order of the auditor; and the poll books so returned shall, within five days from the day of holding such election, be opened and the votes counted by the commissioners and auditor of the county; a correct statement of the result of which votes shall be kept by said auditor on file in his office for public inspection. If the majority of the votes so cast shall be against the policy of such improvements, the commissioners shall not assess any tax for that purpose, but the commissioners may, on the petition of not less than one hundred tax-payers of said county, again submit the same question at any regular annual fall election, under the same rules and regulations as before provided; if at any such election a majority shall be found in favor of the improvements as aforesaid, then the commissioners shall be authorized to proceed to levy the tax as provided for in this section, and for the purpose of said improvement; provided, that this section shall not apply to the construction of any public buildings or bridges commenced or contracted for prior to the passage of this act, or for which the commissioners have, in good faith, purchased the ground, or acquired materials for the same, and are now proceeding, during the present season, with all convenient dispatch, to construct.

#### ADDITIONAL POOR TAX.

Additional  
poor tax.

SEC. 4. That the county commissioners are hereby authorized, in case the ordinary revenue of the county shall prove insufficient for the support of the poor, to levy and collect a poor tax, not exceeding six tenths of one mill on the dollar of the valuation of the property in such county taxable for

state and county purposes, to be entered on the grand list and collected as other taxes.

**TOWNSHIP TAXES.**

**SEC. 5.** There shall be levied annually for township purposes, including the relief of the poor, but not including the support of common schools, or the payment of the interest and principal of the debts of the township, such rates of taxes as the trustees of the respective townships may certify to the county auditors to be necessary, not exceeding seven tenths of one mill on each dollar of the taxable valuation of the property of the township which does not exceed two hundred thousand dollars, and one-fourth of one mill of such taxable valuation exceeding two hundred thousand dollars; provided, that in counties where there are no county infirmaries, a further township tax not exceeding two-fifths of a mill on each dollar of the taxable property of the township may be levied for the relief of the poor, to be applied solely to that purpose.

For township purposes.

**ADDITIONAL POOR TAX.**

**SEC. 6.** The trustees of any township which has incurred, or may hereafter incur liabilities for the relief of the poor, beyond the amount raised by the levy now authorized, shall have power to make an additional levy for the purpose of discharging such liabilities, not exceeding six-tenths of one mill on the dollar of the taxable property of such township.

Poor tax.

**ADDITIONAL TOWNSHIP ROAD TAX LIMITED.**

**SEC. 7.** That if the trustees of any township shall deem an additional road tax necessary, they shall determine the per centum to be levied on the taxable property of their respective townships, not exceeding one mill on the dollar, and shall certify the same to the county auditor in writing on or before the first Monday in June in each year, and the auditor of the county shall assess the same on the taxable property in the township, and the same shall be collected in the December installment and paid out as other taxes, except as is provided specially by law.

Limitation of road tax.

**SEC. 8.** The county commissioners of any county, and the township trustees of any township, in which there may be a debt existing prior to the passage of this act, are hereby authorized, in addition to the levies authorized by this act, to levy such sums annually as will be necessary to pay the interest on such debts, and to provide a sinking fund for the payment of said debts as they shall become due; provided, that the authorities aforesaid may apply any surplus of moneys remaining from said county or township funds levied for general purposes aforesaid, to the payment of said debts.

Levy for existing indebtedness.

**SEC. 9.** It shall be unlawful for the constituted authorities of any county, township, city, village, town, district or other authority, charged by the laws of this state with the power or authority to levy taxes, where the rates of such levy have been prescribed by laws enacted prior to the first of March, 1871, and consequently not adjusted upon the present grand

Excess forbidden.

duplicate of taxable property as established by the appraisements and equalization of 1870 and 1871, to assess, levy or collect any greater amount of rate than may be so authorized, after deducting and abating from such rate one-fourth of such respective rate.

Acts re-  
pealed.

SEC. 10. That the act entitled "An act prescribing the rate of taxation for county purposes, and to repeal acts therein mentioned," passed May 4, 1869; the (20) XVII section of the act entitled "An act relating to roads and highways," passed March 9, 1868, (S. & S., page 662); the (34) XXXIV section of "An act entitled an act for the relief of the poor," passed February 23, and took effect May 1, 1865, (S. & S., page 525); the act entitled "An act to amend the fifth section of "An act prescribing the rates of taxation for state, county and township, and other purposes and its amendments," as passed and took effect March 30, 1864, (S. & S., page 775); the act entitled "An act to authorize township trustees to make an additional levy for poor purposes in certain cases," passed May 4, 1869, (O. L., vol. 66, page 97); the first section (35) of an act entitled "An act to amend sections eighteen and twenty one of the act relating to roads and highways," passed March 9, 1868, passed and took effect April 8, 1868, (S. & S., page 670); the first section of an act entitled "an act to amend section of an act entitled an act to make it the duty of county auditors to levy extra taxes for road purposes in certain cases, passed May 1, 1854," passed April 5, 1866 (S. & S., page 688), be and the same are hereby repealed.

SEC. 11. This act shall take effect from its passage.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To authorize the appointment of Special Constables in certain cases.

Appointment  
of special  
constables.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for any justice of the peace within this state, upon the written application of any three freeholders of any township thereof, to appoint one or more special constables within such township, whose duty it shall be to watch and guard the property of said freeholders and to protect the same from all unlawful acts, and in the discharge of their duty they shall have authority to make arrests.

SEC. 2. The justice making such appointment shall make a memorandum thereof upon his docket, and the same shall continue in force for one year, unless sooner revoked by such justice. The constables appointed by virtue of this act shall be paid in full for their services by the freeholders for whose benefit they are appointed, and shall receive no compensation except from said freeholders.

Record, compensation, etc.

SEC. 3. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

Amendatory of an act authorizing the building and repairing of Levees to protect lands from overflow, passed April 30, 1839. (Ohio Laws 66, page 73.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above entitled act be so amended as to read as follows, to wit:

Section 1. That the probate judge of any county in this state shall have power, whenever, in his opinion, the same will be conducive to the health, convenience or welfare of any number of citizens of said county, or is necessary to the protection of the lands of such citizens, to cause to be established, located, constructed and protected as hereinafter provided, any levee or embankment on or along any stream or water course within said county for the protection of lands from overflow.

Probate judge may cause levees to be constructed.

SEC. 2. That the fifth section of the above mentioned act be so amended as to read as follows, to wit:

Section 5. If upon a hearing of the case said judge is satisfied said levee ought to be constructed, he shall order the same to be done, and shall appoint a competent engineer to locate, level and measure the same, and divide it into suitable sections, not less in number than the number of owners of land to be benefited by its construction, and shall prescribe the time within which the work on each section shall be completed and by whom done; and whenever it shall be necessary to protect such levee or embankment from being washed away by high waters, and for that purpose to cause the removal of such obstructions as may hinder the free passage of the water in such stream or water course, it shall be the duty of such engineer to order such work to be done as he may deem to be needed for such purpose, and divide the work to be done among those to be benefited thereby

Same.

in like manner as in the construction of such levee or embankment; and the said judge shall allow and assess all the reasonable fees, costs and expenses of locating, establishing and protecting such levee and embankment, and shall apportion the payment of the same equitably among the parties to be benefited thereby, and prescribe the times within which said assessments shall be paid, and shall, if requested by any of the parties, prepare for the use of such person, a brief statement in writing, describing briefly his, her or their apportionment of said levee or work, together with the length, depth, width and slope of the same, the amount of costs assessed against such person, when to be paid and by what time the work to be completed.

SEC. 3. That sections one and five of said act be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 2, 1871.

## AN ACT

To provide for the apportionment of trustees, and disposition of moneys, property and assets, held in trust for building soldiers' monuments.

Disposition  
 of property  
 held in trust,  
 etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any moneys, property or assets of any kind, are held in trust, by any person or persons, for the purpose of building soldiers' monuments, it shall be the duty of the court of common pleas of the county in which said trustee or trustees, or a majority thereof, shall at the time reside, upon the application of said trustee or trustees, or a majority thereof, or of any citizen of such county, after ten days prior notice to such trustee or trustees, or a majority of them, to order all of such moneys, property or assets so held in trust, as aforesaid, to be brought into court and placed in charge of such persons and invested in such manner, as shall, in the opinion of the court, be most judicious and prudent for the preservation and increase thereof; the persons so appointed to take charge of such trust fund, giving bond in such sum as the court shall deem right and proper for the security of said moneys, property or assets, before entering upon the performance of their said trust, and which said bond shall be payable to the state of Ohio, and shall be in such sum and upon such conditions as said court shall direct and upon the execution of such bond, and the payment of

delivery of all moneys, property and assets, in their hands, (or required to be therein as trust funds or in trust for the purposes aforesaid,) to the trustees so appointed by said court, and having given bond as heretofore provided, said original trustee or trustees shall be forever discharged from all legal liability on account thereof, from any cause whatever, and no trustee or trustees, appointed under the provisions of this act, shall receive, directly, or indirectly, any compensation for their services, but may be reimbursed out of any money under their control, for any necessary expenses by them incurred, and actually paid out in the execution of their trust.

SEC. 2. The number of trustees appointed by the court of common pleas, under the provisions of the foregoing section, shall be seven (7), all of whom shall be resident freeholders of the county in which such soldiers' monument is to be built. Trustees.

SEC. 3. The court of common pleas may enforce a full and complete settlement and delivery over by the original trustees to those appointed by the court and qualified as herein provided, by attachment as for contempt of court, reserving to said original trustee or trustees the same right of exception and review, on error, as in other similar cases. Court may enforce complete settlement.

SEC. 4. That whenever the original trust provides for building a soldiers' monument, it shall be within exclusive discretion of the trustees so appointed by the court of common pleas, as heretofore provided, or a majority thereof, to determine whether to use said trust moneys, property and assets, in the erection of a soldiers' monument, or of a monumental building, and in either case to determine exclusively the cost, mode, style, place and manner of its erection, and in case of a monumental building, the uses and purposes to which the same shall be put in the future, and having arrived at such determination, they shall be, and are hereby authorized and required, to proceed at once to erect such monument or monumental building, and expend the trust funds and its increase for that purpose, with any other moneys or property that may be donated to them for that purpose, or received by them from any other party or parties, by virtue of any arrangements to build conjointly or otherwise, which they, in their judgment, may think best to make, and to select the site or location therefor, and to purchase from the said funds, if necessary, the requisite grounds, and take title thereto, in the name of said trustees and their successors, forever. Discretion of court of common pleas.

SEC. 5. That in case of the erection of a monumental building, as heretofore provided, there shall be therein placed a permanent tablet, or tablets, on which shall be inscribed the names of all persons who entered the union army from such county, during the war of the late rebellion, and lost their lives therein, and their services may be perpetuated in any other manner which the said trustees, or the majority thereof, may, in their discretion, deem expedient. Contents of tablets.

SEC. 6. The trustees shall report to the court appointing them, as often as the court may require, and all vacancies Trustees to report; vacancies.

that may, from time to time, occur in said board, by removal for cause, removal from the county, resignation or death of any member or members, shall be filled by appointment of the court of common pleas in the same manner in which original appointments are made, and said court may, for good cause, remove any or all of said trustees and appoint others in their stead.

Exempt  
from tax-  
ation.

SEC. 7. That all funds raised and set apart for the purpose of building monuments to the fallen soldiers of this state, and all monuments and monumental buildings, when erected, shall be forever exempt from taxation for any purpose whatever.

SEC. 8. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE.

*President of the Senate.*

Passed May 2, 1871.

#### AN ACT

To regulate the sale of real estate held by cemetery associations and other corporations and parties named therein.

Conveyance  
of lands  
abandoned  
for cemetery  
purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any person or persons as trustees for any person or corporation, or otherwise, or any city, incorporated village or township within this state, or any cemetery association, shall hold any land or lands within the limits of any incorporated village or city in this state, which shall have been used as a cemetery or burial ground, and in which interments have been prohibited by such municipal corporations, and it shall have been decided to remove the bodies interred therein, it shall be lawful for such person or persons so holding any such lands as aforesaid, or for the trustees of any township, or any such cemetery, or for the council of any city or incorporated village, to sell or otherwise dispose of any such land or lands, and to make and deliver proper deeds conveying such lands to the purchaser or purchasers of the same; provided, that such sale or other transfer of such land or lands shall not operate to give such purchaser or purchasers possession of the same till the bodies therein interred shall have been removed from such cemetery, and all monuments and tombstones be removed and re-erected at the place of re-interment of the remains of each person respectively.

SEC. 2. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE.

*President of the Senate.*

Passed May 2, 1871.

## AN ACT

To amend the 543d section of the act to provide for the organization and government of Municipal Corporations, passed May 7, 1869, and an act amendatory thereof, passed April 1, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section five hundred and forty-three (543) of the municipal code, passed May 7, 1869, and an act amendatory thereof, passed April 18, 1870, be amended so as to read as follows:

Section 543. In no case shall the tax or assessment specially levied and assessed upon any lot or land for any improvement, amount to more than twenty-five per centum of the value of such lot or land as assessed for taxation; the cost exceeding the said per centum that would otherwise be chargeable on such lot or land, shall be paid by the corporation out of its general revenues: Provided, that in cities of the first class the tax or assessment specially levied and assessed upon any lot or land for any improvement, may amount to twenty-five per centum of the value of such lot or land after such improvement is made, the cost exceeding the said per centum that would otherwise be chargeable on such lot or land shall be paid by the corporation out of its general revenue.

Limitation  
of taxation.

SEC. 2. That section five hundred and forty-three, above mentioned, is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 2, 1871.

## AN ACT

To authorize cities of the first class, having a population exceeding one hundred and fifty thousand, to issue bonds for improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the common council of any city of the first class, having a population of more than one hundred and fifty thousand, shall have power to issue the bonds of such city for any sum not exceeding six hundred thousand dollars, bearing a rate of interest not exceeding seven per cent. per annum, at such date and for such length of time as they may deem expedient.

Issue of  
bonds by  
cities.

How negotiated, etc.

SEC. 2. Such bonds shall be designated improvement bonds, and shall be negotiated in the manner and under the restrictions prescribed in sections 669 and 670 of "an act to provide for the organization and government of municipal corporations," passed May 7, 1869, and the proceeds shall be paid into the city treasury to the credit of the general fund, and shall be applied to such public improvements as the common council may deem best.

SEC. 3. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 2, 1871.

## AN ACT

Relating to the duties of the Auditor of State.

Items to be included in annual report.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the auditor of state to include in his annual reports a detailed statement of the public funded and unfunded indebtedness of each county, city, township, and incorporated village in this state, with the rate of interest payable thereon, the date of maturity, and the purpose for which the same may have been created; and the auditor of state is hereby authorized to make and prescribe all such forms, rules and regulations to be used and observed by the several officers in the second section of the act named, as may be necessary to enable him to obtain the information in this section contemplated."

Duty of county and city auditors, treasurers, &c.

SEC. 2. It shall be the duty of all auditors and treasurers of cities, county auditors and county commissioners, township clerks and township treasurers, and clerks of incorporated villages in this state, to make and transmit to the auditor of state, when and as by him required, a full and complete statement of the public funded and unfunded indebtedness of the cities, counties, townships and incorporated villages within and for which they may be officers respectively.

The same.

SEC. 3. It shall be the duty of the above named officers to make to the auditor of state, full and complete returns of any provision of money for the payment of such indebtedness, what amount has been collected, whether remaining in the county, township, city or village treasury, or if temporarily loaned or invested in any manner, a full and particular statement of such loan or investment.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 2, 1871.

## AN ACT

To provide for the payment of the share of Ohio in the expense of Antietam National Cemetery, and making an appropriation therefor.

WHEREAS, By the apportionment made by the board of trustees of the Antietam National Cemetery of the expense of establishing, beautifying and maintaining a national cemetery near Sharpsburg, Maryland, for the repose of the patriotic dead who fell upon the fields of Monocacy, South Mountain and Antietam, the share of Ohio, which has three hundred and sixty-nine known and eighty unknown dead buried therein, was ten thousand five hundred and ninety-two dollars, of which five thousand dollars has been paid; and,

WHEREAS, The necessities of said board of trustees require prompt payment of the balance of such apportionment; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be and hereby is appropriated the sum of five thousand five hundred and ninety-two dollars, to be paid to the board of trustees of the Antietam National Cemetery, for the purpose recited in the preamble hereto, out of the general revenue fund.

Appropriation for Antietam cemetery.

SEC. 2. That this act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed May 2, 1871.

## AN ACT

To amend section 313 of the Code of Civil Procedure, as amended April 18, 1870. (O. L., vol. 67, p. 111.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and thirteen of the code of civil procedure be amended so as to read as follows:

Section 313. No party to a civil action shall be allowed to testify by virtue of section three hundred and ten, in any action where the adverse party is the guardian or trustee of a child or children of a deceased person, or of an idiot or of a lunatic, or of a deaf and dumb person, or is the executor or administrator of a deceased person, or is a party claiming or defending as heir, grantee or devisee of a deceased person, except in the following cases; provided, that nothing herein contained shall be so construed as to prevent any and all the

Testimony of guardians, &c.

**Exceptional cases.**

heirs, grantees and legatees from testifying in cases to contest the validity of, or to set aside a will or deed of any ancestor or grantor under whom they may claim title.

1st. In actions with an executor, administrator, guardian, trustees of infants, heir or devisee, as above specified, a party may testify to facts which occurred after the death of the decedent or parent, and in actions with a guardian of an idiot or a lunatic, as above specified, a party may testify to facts which occurred after the appointment of such guardian.

2d. In actions upon contracts made by deceased persons through agents, and in which the agent shall testify, a party may testify to all that transpired between him and the agent in relation to such contracts and the making thereof, and in relation to any conversations or transactions between himself and such agent, testified to by the agent.

3d. In actions of either of the classes above specified, in which any adverse party, or any person having a direct interest in the matter in controversy, shall be called as a witness and to testify to transactions or conversations with a party to such action, such party shall also be permitted to testify as to such specific transactions and conversation.

4th. In actions of either of the classes above specified, in which one party calls a witness, other than an agent acting as such, or one interested to prove conversations or admissions of the opposite party, occurring before the death of said deceased person, the opposite party may testify to the same conversations or admissions.

5th. In actions of either of the classes above specified, in which the claim or defense is founded on book accounts, a party may testify to his account book that the same is a book of original entries, that the entries in the same were made by himself or by a deceased person, or by a disinterested person, non-resident of the state at the time of trial; and on such authentication of the account book and entries, said book and entries shall be admissible evidence in the case.

6th. If the deposition of a party who has died during the pending of a suit shall be given in evidence on the trial of such case, the opposite party may testify as to all matters and things contained in said deposition, and not excluded for irrelevancy or inadmissibility. In all actions by or against a surviving partner or partners, or a surviving joint contractor or contractors, no adverse party to the suit shall be a competent witness to testify to transactions which took place with, or declarations or admissions made by the deceased partner or joint contractor, in the absence of his surviving partner, or joint contractor.

7th. In actions brought by executors or administrators under an act passed March 25, 1851, entitled an act requiring compensation for causing death by wrongful act, neglect or default, and all acts amendatory and supplementary thereto.

SEC. 2. Said original section three hundred and thirteen is hereby repealed.

SEC. 3. This act shall be in force from its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed May 2, 1871.

## AN ACT

Supplementary to "An act to provide for the creation and regulation of incorporated Companies in the State of Ohio," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any railroad company heretofore incorporated, or which may hereafter be incorporated, the line of whose railway has not been finally located in whole or in part, by resolution of the board of directors, shall find it necessary in order to avoid dangerous or difficult curves or grades, or dangerous or unsubstantial grounds or foundations, or for other reasonable cause, to pass through the territory of any county not named in the original certificate of incorporation, the president and directors of such railway company, or a majority of them, shall under their hands and seals, make a certificate declaring such necessity or cause, and naming the county or counties through which it may be necessary to pass, which certificate shall be acknowledged before a justice of the peace and certified by the clerk of the court of common pleas, said certificate shall be forwarded to the secretary of state and filed and preserved in his office as provided by law for original certificates of incorporation; and a copy of such certificate, certified by the secretary of state under the great seal of the state, shall be evidence of the facts therein stated; provided, that nothing herein shall be construed so as to authorize the abandonment of any part of such company's line as may have been finally located; and provided further, that nothing in this act shall be construed so as to authorize a change in the general route or terminal points named in the original certificate of incorporation.

Extension  
of railroads  
through  
counties not  
originally  
named, &c.

Filing of  
certificates.

SEC. 2. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed May 2, 1871.

## AN ACT

To amend an act entitled "an act to provide for the organization and government of municipal corporations," passed May 7, 1869. (66 Ohio Laws, 149.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three hundred and seventy-one of the act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, be amended so as to read as follows:

Charge for  
cemetery lots  
limited.

Section 371. No more shall be charged for lots than shall be necessary to reimburse the corporation for the cost of lands purchased or appropriated for cemetery purposes, and to keep in order and embellish the grounds, and provision shall be made for the interment in such cemetery of all persons buried at the expense of the corporation.

SEC. 2. Said original section three hundred and seventy-one is hereby repealed, and this act shall take effect from its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed May 2, 1871.

## AN ACT

Supplementary to "an act to provide for compensation to the owners of private property appropriated to the use of corporations," (1 S. & C., 311,) and the acts amendatory thereto, and chapter forty-seven of the municipal code, and the acts amendatory thereto.

Rule of  
assessment.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any proceedings under the acts to which this is supplementary, and the amendments thereto now existing, or hereafter made, the jury shall assess the value of any parcel of real estate, and the damages thereto, at its fair value in money as therein provided. If there are any diverse or conflicting claims, legal or equitable, to said real estate, or any interest therein, said jury shall not consider or pass upon the same, but such claims shall be reserved for adjudication as hereinafter provided.

Parties in  
case of con-  
flicting  
claims, &c.

SEC. 2. That in every case where there are conflicting claims to the real estate sought to be appropriated, or any interest therein, legal or equitable, as mentioned in section one, the person or persons having such claims, if known to the corporation applying to condemn any property under the acts to which this is supplementary, or any amendments

thereto, shall be made parties to such proceedings as in said acts, and the acts amendatory provided, or shall hereafter provide; and upon the payment of the money into court after said verdict by the corporation seeking said condemnation, any party so claiming any legal or equitable interest in said property, or the money arising therefrom by such condemnation, may file his petition in the court of common pleas of the proper county, making the other claimants to said property or money parties thereto, setting forth the facts on which said claim is founded, and the fact of said condemnation and the amount of money so paid in therefor, and such other facts as are proper to enable said court of common pleas to hear and determine the matters between said claimants; and upon the filing of such petition the court of common pleas shall obtain jurisdiction in said action of said fund, and shall forthwith appoint some master of said court, or other suitable person selected by the parties to hold and safely keep said fund, either by deposit in some solvent corporate bank, or by investing the same in Ohio bonds, as said court may determine after hearing the parties, and such fund shall thenceforth represent said land and the interests therein, and be subject to the control of the court having jurisdiction of the case by orders entered in said proceeding according to the rights of the parties to said land or fund, as from time to time said court shall determine.

SEC. 3. Said proceedings in the common pleas court herein authorized in section two, shall be considered and held to be a civil action, and the hearing of the same and all proceedings, orders and judgments therein shall be governed by the code of civil procedure as in other civil actions, and the conflicting claims of the parties to the fund aforesaid, shall be determined by the court, or by a jury trial, according as the claim is equitable or legal, in the same manner as if the land had not been converted into money.

Proceedings  
held to be a  
civil action.

SEC. 4. This act shall take effect and be in force on and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed May 2, 1871.

## AN ACT

To amend section seventeen of an act entitled "an act for the relief of the poor," passed February 23, 1865, (S. & S., page 529.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seventeen of an act entitled an "act for the relief of the poor," passed February 23, 1865, (S. & S., page 529,) be so amended as to read as follows:

Duties of  
township  
trustees rela-  
tive to pau-  
pers.

Section 17. Whenever in any county having an infirmary, the trustees of any township shall, after making the inquiry provided in the fifth section of this act, be of the opinion that the person complained of is in a condition requiring public relief, they shall forthwith transmit a statement of said facts, so far as they shall have been able to ascertain the same, to the directors of the infirmary, and if it shall appear that such alleged pauper is legally settled in said township, or has no legal settlement in this state, or that such settlement is unknown, and the said directors are satisfied that such alleged pauper requires public relief, they shall forthwith issue their warrant to said trustees, directing the superintendent of the infirmary to receive said pauper, and provide for him or her in said institution; and except in the cases provided for in the next section of this act, the said trustees shall, as soon as the health of said pauper will permit, cause him or her to be removed to the infirmary, and thereupon said directors shall refund to such township the reasonable costs and charges incurred by them in affording relief to said pauper, after complaint made, together with the necessary costs of such removal; and it shall be the duty of the infirmary directors to give an order therefor on the county auditor, who shall draw his warrant on the county treasurer for the same, to be paid out of any money in the treasury not otherwise disposed of. And it shall be the duty of said infirmary directors to refund the costs and charges aforesaid, and to draw an order therefor, as herein provided, whenever in their opinion relief has been properly granted by the trustees of any township to any pauper therein; and the failure of said trustees to transmit a statement of facts to said directors as herein contemplated, shall not defeat the relief herein provided for: Provided also, that no physician or surgeon having rendered service to any pauper shall, for want of such notice, be prevented from receiving a fair compensation for the services so rendered.

SEC. 2. Said original section seventeen is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed May 2, 1871.

## AN ACT

Supplementary to an act to provide a police for cities of the second class, passed April 16, 1868, (O. L., vol. 65, page 94,) as amended May 6, 1869, (O. L., vol. 65 [66], page 141.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first and second sections of said last mentioned act be so amended as to read as follows, to-wit:

"Section 1. Sections one and two of the above recited act, shall in addition to the cities already included therein, apply to cities of the second class having a population of eleven thousand and not exceeding twelve thousand inhabitants at the last federal census." Applicable to certain cities.

SEC. 2. This act shall be in force from and after its passage; provided, the regular policemen, if any there be, appointed under the act to which this is amendatory, shall remain in office until the appointments are made as provided for in this act. Policemen in office not affected.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro. tem. of the Senate.*

Passed May 2, 1871.

## AN ACT

Limiting the rates of taxation in Municipal Corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six hundred and forty, six hundred and forty one, six hundred and forty-four and six hundred and forty eight, of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869, as amended April 18, 1870, be amended so as to read as follows:

Section 640. The city council of any city or incorporated village shall have power to levy, annually, for the general purposes of the corporation, such amount of taxes on each dollar of valuation of taxable property of the corporation on the grand duplicate, as may be determined upon by them, not exceeding the following rates:

For each incorporated village, one-half of one mill.

For each city of the second class, having a population of over thirty thousand and less than eighty thousand, one mill; every city of the second class, having a population over ten thousand and less than thirty thousand, two mills; every other city of the second class, two mills; for each city of the first class, having a population over one hundred and fifty thousand, four and one-half mills; every city of the first class, having a population over eighty and less than one hundred and fifty thousand inhabitants, one half of one mill; every city of the first class, having a population over thirty and less than eighty thousand inhabitants, two mills.

Section 641. Each city and incorporated village shall also have power to levy annually, in addition to the above, for the following purposes:

• [1.] For sanitary and street-cleaning purposes, and for street improvements and repairs.

Rates of  
taxation by  
cities and  
villages.

2. For the maintenance of the infirmary of the incorporation, and the support of the out-door poor.

3. For keeping in repair steam or other fire engines, graded wharves or landings on navigable waters, corporation cemeteries, parks, and for the support of the fire department.

[4.] For lighting the corporation or supplying it with water.

5. For keeping up and maintaining bridges.

6. For the payment of the marshal and police authorized by this act.

7. For the maintenance of the work-house.

8. For the expense of maintaining and administering houses of refuge and correction, over and above the receipts from the labor of persons confined therein; such sum as may be necessary to meet the same.

9. For schools and school house purposes, such rate as may be prescribed by law.

10. For a sewer fund, where the corporation is divided into sewer districts, the levy shall be by such districts.

Levies by  
councils.

Section 644. The council shall also have power to make the following levies:

1. For the real estate and right of way for any improvement authorized by this act.

2. For erecting, enlarging or improving water works.

3. For the erection of school buildings.

4. For wharves and landings.

5. For market-houses.

6. For the erection of corporation prisons.

7. For the erection of buildings required by the fire department, the construction of reservoirs, the purchase of steam or other fire engines, hose and other apparatus, for the use of such department.

8. For the erection of halls and public offices.

9. For the improvement of highways leading into the corporation.

10. For the construction of levees and embankments.

11. For the improvements of any water-course passing through the corporation.

12. For the erection of work-houses.

13. For the erection of houses of refuge and correction.

14. For the erection of hospitals.

15. For the erection of infirmaries.

16. For the erection of gas works.

17. For grounds for cemeteries and park purposes, inclosing, improving, embellishing or enlarging the same.

18. For grounds for public parks, inclosing, improving embellishing or enlarging the same.

19. For the construction of bridges.

20. To pay the interest on the public debt of the corporation, and to provide for a sinking fund for the same, a sum sufficient to satisfy the same as it accrues annually, to be applied to no other purpose.

21. For the construction and repairs of sewers, drains and ditches; where the corporation is divided into sewer districts, the levy shall be by such districts.

22. For the purpose of keeping up and maintaining a free

public library and reading-room in the corporation; but no tax shall be levied for this purpose unless a suitable lot and building therefor, supplied with library furniture and fixtures, shall first be donated, leased to or rented by the corporation.

23. For any improvement authorized by this act and not above provided for.

24. Such proportion of the amount authorized to be levied by this section, for either of the purposes therein specified, may be levied annually, as the council may by ordinance prescribe.

Section 648. The aggregate of all taxes levied or ordered by any corporation, including the levy for general purposes, over and above the tax for county and state purposes, and excluding the tax for schools and school-house purposes, shall not exceed in any one year:

Maximum  
of taxes al-  
lowed.

In cities of the first class having a population of one hundred and fifty thousand inhabitants and more, sixteen mills.

In cities of the first class having a population of eighty and less than one hundred and fifty thousand inhabitants, twelve and five-tenths mills.

In cities of the first class having a population over thirty and less than eighty thousand inhabitants, fifteen mills.

In cities of the second class having a population over thirty thousand and less than eighty thousand inhabitants, nine and five tenths mills.

In cities of the second class having a population over ten thousand and less than thirty thousand inhabitants, twelve mills.

In all other cities of the second class, nine mills.

In incorporated villages having a population over three thousand inhabitants, eight mills; and all other incorporated villages, ten mills, on each dollar of the value of any property as valued for taxation on the county duplicate; provided, that the council of every municipal corporation shall cause to be certified to the auditor of the county on or before the first Monday in June annually, the percentage by them levied on the real and personal property in the corporation, returned in the grand levy, and the county auditor shall place the same on the duplicate of taxes for said county, in the same manner as township taxes are now by law placed on said duplicate; and, provided further, that said council shall annually, at the same time the rate of levy is fixed, provided by ordinance for the distribution of the tax, among the several departments of the city, in such proportion to their needs as said council may deem necessary; and at no time thereafter shall the amounts therein specified as necessary for the purposes named be changed, and all transfers of funds from one account to another are hereby expressly prohibited.

All claims against the said cities of every nature whatsoever shall be paid by the treasurer upon the warrant of the auditor, and all boards of trustees, directors or commissioners, having the charge of the expenditures of city funds, shall certify claims against their respective departments to the city auditor for payment, and it shall be the duty of the auditor, in addition to such other duties, to keep accurate

Payment of  
claims.

and detailed accounts of the receipts and expenditures of the city in all its departments, and for all purposes; and, provided further, that no person or property charged with any special local assessment for any improvement, shall be compelled to pay therefor in any one year more than one tenth of the value of the property on which the assessment was made as valued on the county duplicate for taxation.

SEC. 2. That sections six hundred and forty-one, six hundred and forty-four, and six hundred and forty-eight of said act as amended, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 2, 1871.

## AN ACT

Making appropriations for the year 1871, and the first quarter of the year 1872.

SECTION 1. *Be it enacted by the General Assembly [of the State of] Ohio,* That in addition to former appropriations applied to the same purposes herein expressed, the following sums be and the same are hereby appropriated out of any moneys belonging to the general revenue fund, to be paid out of the treasury according to law.

### AGRICULTURE.

**Agriculture.** For the encouragement and improvement of the agricultural interests of the state, to be expended as the state board of agriculture may deem most conducive to that end, and to be paid to the president of that board, three thousand dollars; and four hundred and ninety dollars for the Ohio Horticultural Society, to be paid to the president thereof.

**Horticultural society.** For the contingent expenses of the office of the state board of agriculture, five hundred dollars.

**Contingent expenses.**

### ARSENAL.

**Labor, etc., at arsenal.** To pay for labor at the state arsenal, including tools, fuel and materials, to be expended under the direction of the person who, by law, has charge of the same, five hundred dollars.

### BENEVOLENT INSTITUTIONS.

#### CENTRAL OHIO LUNATIC ASYLUM.

**Deficiency.** To pay deficiency in salary of officers, one hundred and twenty-six dollars and sixty cents.

**Work on buildings.** [For work on the new buildings for said asylum, in addition to former appropriations, to be expended under and in accordance with the provisions of the laws now in force upon that subject, one hundred and fifty thousand dollars.]

**Sewerage and grading.** For sewerage and grading, ten thousand dollars.

## NORTHERN OHIO LUNATIC ASYLUM.

To pay the salaries of the superintendent, assistant physicians, steward and matron of the Northern Lunatic Asylum, thirty-seven hundred eighty-three dollars and fifteen cents.	Salaries.
For provisions and necessary current expenses and repairs, fifty-five thousand dollars.	Provisions, etc.
To pay moral instructor, and for books and pictures, four hundred dollars.	Moral instructor.
For carrying forward the work upon the additions to the Northern Ohio Lunatic Asylum, as provided for in the general appropriation act of 1870, under the provisions of the various acts in force upon the subject, one hundred thousand dollars.	Work on additions.
For repairing old walls, floors, ceilings and water-closets, three thousand dollars.	Repairing.
For heating and ventilating apparatus, ten thousand dollars.	Heating, etc.
For furnishing new wings, including dumb waiters, sixteen thousand dollars.	New wings.
For rebuilding kitchen, laundry, boiler and engine-house, twenty-eight thousand dollars.	Rebuilding.
The trustees of said asylum are authorized to use of the amount to their credit for the purchase of land, such sum as may be necessary for an extension of the asylum barn, not exceeding one thousand dollars, and the balance of said amount in fencing.	Purchase of land.

## SOUTHERN OHIO LUNATIC ASYLUM.

To pay the salaries of the superintendent, assistant physicians, steward and matron of the southern lunatic asylum, thirty-five hundred and seventy-seven dollars and twenty-two cents.	Salaries.
For provisions and necessary current expenses and repairs, one hundred and ten thousand dollars.	Provisions, etc.
To pay moral instructor, and for books and pictures, four hundred dollars.	Moral instructor.
For slate roof and iron cornice upon old building, to take place of old tin roof and wooden cornice, fifteen thousand dollars.	Roof and cornice.
For fencing, two thousand dollars.	Fencing.

## LONGVIEW ASYLUM.

For the Longview Asylum, a sum to be computed and ascertained by the auditor of state, agreeably to the laws provided for constituting of Hamilton county a separate district for lunatic asylum purposes, and for the erection and government of an asylum therein, and the sum hereby appropriated shall be paid upon like vouchers as in case of the current expenses of the other lunatic asylums.	General purposes.
To pay the proper officers of the Longview asylum for the support of such patients as are received from the central district, in accordance with joint resolution of the general assembly, adopted November 25, 1868, subject to conditions of	Support of patients from central district.

agreement made with the governor, and to be paid on vouchers approved by him, twenty-four thousand dollars, and for deficiencies, six thousand dollars.

Colored insane.

For care of colored insane, fifteen hundred dollars.

#### NEW LUNATIC ASYLUM AT ATHENS.

Continuation of work.

To continue the work on the new asylum for lunatics at Athens, to be expended in accordance with the laws now in force on that subject, seventy-five thousand dollars.

Sewers.

For main brick sewer, branch sewers, and foul air ducts, fifteen thousand dollars.

Improving grounds.

For grading, fencing and improving grounds, three thousand dollars.

#### DEAF AND DUMB ASYLUM.

Salaries.

To pay the salaries of the superintendent, steward, matrons, physician and teachers of the asylum for the deaf and dumb, sixteen thousand one hundred dollars.

Provisions, etc.

For the purchase of provisions and other necessary current expenses and repairs of said asylum, fifty-five thousand five hundred and eighty dollars.

Printing.

For the printing and binding department of said asylum, seven hundred dollars.

#### ASYLUM FOR THE BLIND.

Salaries.

To pay the salaries of the superintendent, steward, matrons, physicians and teachers of the asylum for the blind, eight thousand two hundred dollars.

Provisions, etc.

For the purchase of provisions, and to pay other necessary current expenses and repairs, seventeen thousand dollars.

Furnaces, etc.

For new furnaces and other improvements, one thousand dollars.

Continuation of work.

To continue work on the new building, and to be expended under the provisions of the laws now in force upon that subject, forty thousand dollars.

#### ASYLUM FOR IMBECILE YOUTH.

Salaries.

To pay the salaries of the superintendent, matrons and teachers of the asylum for imbecile youth, forty one hundred dollars.

Provisions, etc.

For the purchase of provisions, and for the necessary current expenses and repairs, thirty-five thousand dollars.

Boilers.

For pair new boilers, three thousand dollars.

Boiler house.

For extending boiler house, one thousand dollars.

Laundry.

For laundry and shops, four thousand five hundred dollars.

Hospital.

For hospital building, six thousand dollars.

Fencing.

For fencing, fifteen hundred dollars.

Specifications of report.

And the superintendent of said asylum is required hereafter in his annual report, to give the age, sex and date of reception of all pupils, the cause of imbecility, and the amount paid for the support of each paying pupil, the average number of inmates in the institution each month of the year, the amount received or due each month for pay-inmates,

the average number of pay-inmates each month, amount received from inmates who were in part supported by their friends, the number and average number supported by the state, the residence by county of the inmates paying and others, separately. Also, the number discharged each year, with the date and reason of such discharge: Provided, that after the close of the present fiscal year, all inmates in said institution shall be maintained and educated free of charge, except for clothing, which, so far as their parents or parties sending them to the institution, shall be able to furnish the same, shall be furnished by such parents or parties.

Education  
free of  
charge.

#### SOLDIERS' AND SAILORS' ORPHANS' HOME.

To pay the salaries of the superintendent, matrons and teachers of the soldiers' and sailors' orphans' home, ten thousand dollars.

Salaries.

To purchase provisions, and to pay necessary current expenses and repairs, forty thousand dollars.

Provisions,  
etc.

For the erection of buildings for the Ohio soldiers' and sailors' orphans' home upon the premises deeded to the state near Xenia, such buildings to be of capacity sufficient, with the buildings now upon said premises, for the accommodation, care and education of not less than eight hundred children, and to be finished with all the appointments necessary to complete occupancy, including furnishing, heating, lighting, laundry and kitchen arrangements, at an expense in the aggregate not exceeding the amount herein appropriated, including therein for services of an architect an amount not exceeding five hundred dollars; the whole to be expended under and in accordance with the provisions of the laws for the erection of public buildings now in force in this state, except that a daily publication of notice for proposals in the papers contemplated by law for eighteen days consecutively, shall be sufficient, the sum of eighty-seven thousand dollars; and in addition thereto, the board of managers are authorized to use for this purpose the amount of thirteen thousand dollars, appropriated at the session of 1870, to purchase furniture, equipments, and make the necessary repairs at the White Sulphur Springs.

Erection of  
buildings.

For the erection of a barn, two thousand dollars.

Barn.

For a farm house, furnishing the same, fencing, and other improvements, two thousand five hundred dollars.

Farm house,  
etc.

For the erection of a hospital, seven thousand five hundred dollars.

Hospital.

For the purchase of cows, horses, and agricultural implements, one thousand dollars; provided, that before any money shall be drawn from the treasury for any of the above named improvements on said farm, the original donors of the money paid for said farm to William F. Pelham, and the city of Xenia, shall convey to the state of Ohio all their right, title and interest, legal and equitable, and whether in possession, remainder, or reversion, in or to said farm, which conveyance shall be by proper deed or deeds, so as to vest in the state an absolute fee simple title to said premises, discharged

Cattle, etc.

Title of farm  
etc.

of all trusts and of all claims; provided further, that said George B. Wright, M. S. Gunckel and H. G. Armstrong, as trustees, shall have the deed by them heretofore made properly and legally attested and stamped as required by law; provided further, that the county commissioners of Greene county, for and on behalf of said county, in consideration of the location and establishment of said Home in said county, and the expenditure therein of the appropriations herein authorized for said buildings and improvements, may and they hereby are authorized to warrant by deed duly executed to the state of Ohio, the title to said lands as in fee simple, and defend the same against all claims whatsoever of such of said donors, their heirs and assigns, as may not for any cause convey to the state as aforesaid; and when such deed shall be executed, it shall be in lieu of the conveyance of such donors failing to convey as aforesaid, and shall fully bind said county and save the state from any and all damages and losses that may ever accrue on account of the non-conveyance of such donors; and, provided further, that said William F. Pelham and wife, shall convey by deed of general release to the state of Ohio, all their right, title and interest, legal and equitable, in reversion and remainder to the said premises.

#### TRUSTEES AND BOARD OF STATE CHARITIES.

**Expenses.** To pay the expenses of the trustees of the various benevolent institutions, including the expenses of the board of state charities, out of which there may be paid for the salary of the secretary of said board a sum not exceeding one hundred and twenty-five dollars per month for the time employed, the sum of four thousand dollars.

#### CLAIMS, MILITARY.

**Military claims.** To pay claims allowed or which may be allowed under the various acts to establish a board of military claims, and subject to all the provisions and requirements of said acts, or other acts that may be passed in relation to claims of a similar character, twenty thousand dollars.

#### CONTINGENT EXPENSES OF GOVERNOR AND OTHER OFFICERS.

**Governor's contingent.** For the governor's contingent expenses, two thousand dollars.

**Auditor's.** For the contingent expenses of the auditor of state, five hundred dollars.

**Treasurer's.** For the contingent expenses of the treasurer of state, nine hundred dollars.

**Secretary's.** For the contingent expenses of the secretary of state, sixteen hundred dollars.

**Comptroller's.** For the contingent expenses of the comptroller of the treasury, one thousand dollars.

**School Commissioner's.** For the contingent and traveling expenses of the commissioner of common schools, one thousand dollars; and said

commissioner of common schools shall not receive any compensation, perquisites or donations for his services beyond the salary now allowed by law.

For the contingent expenses of office of commissioner of railroads and telegraphs, seven hundred dollars. R. R. Commissioner's.

For the contingent expenses of the state librarian, including the payment to clerk of eight hundred dollars, the sum of ten hundred dollars. Librarian's.

For the contingent expenses of the supreme court, including per diem of messenger, five hundred dollars. Supreme court.

For the contingent expenses of the clerk of supreme court, three hundred dollars.

The supervisor of public printing is hereby authorized to retain out of the moneys arising from the sale of paper known as "trimmings" at the state bindery at the deaf and dumb asylum, a sum sufficient to pay the contingent expenses of his office, not exceeding three hundred dollars. Supervisor of printing.

For the contingent expenses of the general assembly, one thousand dollars; provided, that each of the officers for which appropriation for contingent expenses is made, shall make and include in his annual report an itemized account showing how and for what said appropriation has been expended. General Assembly.

#### GEOLOGICAL SURVEY.

For continuing the geological survey of Ohio, in addition to balances of former appropriations for the same purpose:

For salary of chief geologist, and for salaries of assistant geologists, not exceeding three in number, to be paid quarterly for the time actually employed in such survey, and the time thus employed to be certified by the governor to the auditor of state, eight thousand four hundred dollars. Salaries.

For the purchase of chemicals, five hundred dollars. Chemicals.

For contingent expenses of survey, including traveling expenses of the geological corps, and hire of local assistants, twelve thousand dollars. Traveling expenses, etc.

#### LEGISLATURE.

To pay per diem and mileage of members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, assistant-sergeants-at arms, and messengers, under resolutions of the Senate and House, and laws, twenty thousand dollars. Per diem and mileage.

For the expenses of the standing committees of both branches of the general assembly, eight hundred dollars. Standing committees.

#### LIBRARIES.

To purchase books, magazines and newspapers for the state library, two thousand dollars. State library.

To purchase books for the law library for the supreme court, under the direction of the chief justice, fifteen hundred dollars. Law library.

## NIGHT WATCH OF THE TREASURY.

**Night watch.** To pay the night watch at the state house, to be employed by the treasurer of state, and who shall serve as night watch of the state house generally, eight hundred dollars.

## PENAL AND REFORMATORY.

## OHIO PENITENTIARY.

**Salaries.** To pay the salaries of the warden, and other officers and guards, and the per diem and expenses of the directors of the Ohio penitentiary, as provided by law, sixty-eight thousand dollars.

**Provisions, etc.** For provisions and current expenses, including ordinary repairs and deficiency, eighty thousand dollars.

**Books, etc.** For purchase of books and magazines for library, five hundred dollars; at least two hundred dollars of the same to be invested in magazines of the current literature of the day, not published under the auspices of any religious denomination.

**Rewards.** For rewards to convicts, fifteen hundred dollars.

**Over work.** To pay for over work of convicts there is re-appropriated the sum of twenty-five hundred dollars.

**Completion of walls, etc.** For completion of walls, construction of shops and repairs, sixteen thousand dollars.

**Transportation, etc., of convicts.** To pay costs of prosecution and transportation of convicts to the Ohio penitentiary, forty thousand dollars.

**Deficiency.** To pay deficiency in salaries to captain of night watch and physician, pursuant to joint resolution, three hundred and sixty-three dollars and eighty-nine cents. The directors are hereby authorized to pay out of the appropriation for current expenses, the sum of one hundred and forty-nine dollars and eighty cents, for taxes upon land purchased of the executors of Lincoln Goodale, deceased, as per contract of sale, executed July 24, 1868.

**Taxes.**

## REFORM FARM SCHOOL FOR BOYS.

**Salaries.** To pay the salaries of the acting commissioner, matron, teachers and other officers and employes of the Ohio reform farm school for boys, eight thousand dollars.

**Expenses, etc.** To pay current expenses for maintaining and educating the youth committed to said school, including necessary repairs, twenty-seven thousand dollars.

**New building.** For one new family building and furnishing the same, to be expended under the laws in force upon the subject, ten thousand dollars.

**Chapel.** For a chapel building, twelve thousand dollars, together with so much of the labor of the boys upon said reform school farm as can be profitably employed in its erection. The commissioners are hereby relieved from giving notice and inviting sealed proposals as now required by law, but may proceed to make such contracts as may be necessary to secure its erection; provided, they do not exceed the amount herein appropriated.

## REFORM AND INDUSTRIAL SCHOOL FOR GIRLS.

To pay the salaries of the superintendent, matron and other officers and teachers of the reform and industrial school for girls, two thousand five hundred dollars.

Salaries.

To pay current expenses of maintaining and educating the youth committed and admitted to said school, including necessary repairs and the purchase of an instrument of music for use in said school, sixteen thousand five hundred dollars.

Expenses,  
etc.

For the purchase of pictures to adorn the walls of said school building, two hundred dollars.

Pictures.

## PUBLIC WORKS.

To pay the salaries of the members of the board of public works, twenty-four hundred dollars.

Salaries of  
members.

To pay the salaries of the resident engineers of the public works, thirty-six hundred dollars.

Engineers.

To pay the salary of the clerk of the board of public works, twelve hundred dollars.

Clerk.

To pay attorneys' fees and incidental expenses, six hundred dollars.

Attorneys'  
fees, &c.

To pay for building a culvert and berm bank below lock 28, in the Miami and Erie canal, at Ottoville, Putnam county, in pursuance of an act passed February, 1871, twenty-eight hundred dollars.

Culvert, &amp;c.

To pay for the enlargement of a culvert on the canal feeder, connecting the Mercer county reservoir with the Miami and Erie canal, near St. Mary's, in Auglaize county, in pursuance of an act passed February, 1871, three thousand dollars.

Enlargement  
of culvert.

To pay for completing river embankment at West Zanesville, such sum as may be necessary, not exceeding one thousand dollars.

Completing  
embank-  
ment.

To pay for the enlargement of the culvert under the Miami and Erie canal, near Change Bridge, in Butler county, under the direction of the engineer in charge, three thousand dollars.

Enlargement  
of culvert.

For building culvert under the Ohio canal, near Cleveland, there is reappropriated the sum of three thousand dollars.

Culvert.

For the enlargement and improvement of a culvert under the Miami and Erie canal, near Troy, Miami county, to be expended under the direction of the board of public works, five thousand dollars.

Enlarge-  
ment, &c.,  
of culvert.

To pay one-half of the cost of constructing the dock on the west bank of the Mercer county reservoir, seven thousand one hundred and eighty-four dollars.

Sundries.

To pay one-half the cost of constructing the levee adjacent to the Middletown dam, in Butler county, two thousand nine hundred and sixty dollars.

To pay for the necessary lands along the towing-path between Defiance, in Defiance county, and Independence dam, on the Maumee river, as recommended to be condemned by the joint select committee of the general assembly of the State of Ohio, appointed March 12, 1870, to investigate certain claims for damages on the Miami and Erie canal, and to

repair and replace the wear and tear of the present towing-path from the action of the waters of the Maumee river, the sum of six hundred dollars, as per their report dated April 6, 1871.

Gilead side cut.

To pay for the completion of the Gilead side cut, as per contract between the state and James Purdy, dated December 8, 1845, the sum of twenty-five hundred dollars, to be expended under the direction of the board of public works, in accordance with the terms of said contract.

#### SALARIES OF STATE OFFICERS AND CLERKS.

**State officers.** To pay the salaries of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, comptroller of the treasury, state commissioner of common schools, attorney general, clerk of the supreme court, private secretary of the governor, commissioner of railroads and telegraphs, state librarian, [law librarian,] supervisor of public printing and superintendent of the state house, twenty-eight thousand six hundred dollars.

**Judges.** To pay the salaries of the judges of the supreme court, the courts of common pleas and the superior courts, one hundred and forty-five thousand five hundred dollars.

**Auditor's clerks.** To pay the clerks in the office of the auditor of state, and insurance department, eleven thousand dollars.

**Treasurer's.** To pay the clerks in the office of the treasurer of state, fifty-two hundred dollars.

**Secretary's.** To pay the clerks in the office of the secretary of state, including the necessary services required in carrying out the act in relation to a bureau of statistics, passed April 17, 1868, (65 O. L., p. 92,) to pay for clerical force for which five hundred dollars of the amount herein appropriated may be used, the sum of fifty-five hundred dollars.

**Comptroller's.** To pay clerks in the office of the comptroller of the treasury, which clerical force shall discharge the duties of clerk of the board of military claims, without additional compensation, thirty-four hundred dollars, and for deficiency, sixty dollars.

**School commissioner's.** To pay clerk in the office of the commissioner of common schools, twenty hundred dollars, and for temporary clerk hire, eight hundred dollars.

**Governor's.** To pay one clerk in the executive department, fifteen hundred dollars.

**Railroad Commissioner's.** To pay clerk in the office of commissioner of railroads and telegraphs, fifteen hundred dollars, for salary of this fiscal year; for deficiency, two hundred and fifty dollars.

**Reporter.** To pay salary of the reporter of the supreme court, three hundred dollars.

To pay clerk hire in the office of the attorney general, six hundred dollars.

**Adjutant general.** To pay the adjutant general, two thousand dollars.

**Adjutant's clerks.** To pay clerks in the office of the adjutant general, including O. M. claim agents and bureau of claims, fifteen hundred dollars.

To pay salaries of clerks in the office of the adjutant general, which are past dues for clerical services, and to continue them until the fifteenth day of June, 1871, nine hundred and sixty-six dollars and sixty-six cents.

To pay salary and expenses of gas commissioner out of any money lawfully collected from the gas companies of the state and paid into the state treasury, in accordance with the acts passed April 6, 1866, and March 9, 1869, three thousand dollars.

Gas commissioner.

The auditor of state, treasurer of state, secretary of state, comptroller of the treasury, commissioner of common schools, adjutant general and governor, are hereby required, immediately to discharge from employ in their several departments, such clerks as will reduce the force therein, so as that the same can be fully paid by the appropriations herein made, and to employ no clerical force to be paid out of funds except such as are specifically appropriated to said offices; provided, that no clerk shall receive compensation to be paid directly or indirectly out of the state treasury, for services in more than one clerkship, nor shall any clerk receive a greater compensation in the aggregate for all services rendered than two thousand dollars per annum, except that the clerk of the commissioners of the sinking fund may serve and receive compensation as clerk to the attorney general; and provided further, that nothing herein shall be construed to allow an increase in the salary of any clerk, except as herein provided. The auditor of state is hereby specially directed to see that the foregoing provisions are observed and carried into effect.

Discharge of excess of clerks, &c.

Duty of auditor.

#### STATIONERY, PRINTING AND BINDING.

For stationery and blank books, including printing paper and articles necessary for the general assembly, and public offices in the state house, fifty-five thousand dollars.

Stationery and paper.

To pay for printing for the state, thirty eight thousand dollars.

Printing.

To pay for binding for the state, and the expenses necessary for executing the binding at the deaf and dumb asylum, shall be paid on vouchers certified by the supervisor of public printing and binding, and approved by the superintendent of the asylum, sixteen thousand dollars.

Binding.

The expense of publishing the Ohio agricultural report for the year 1870, in pursuance of joint resolution, passed March 19, 1870, and in pursuance of the act passed March 24, 1860, and the acts supplemental thereto, shall be paid out of the last three appropriations.

Agricultural report.

#### STATE HOUSE AND GROUNDS.

To pay the ordinary expense of taking care of the state house and grounds, and preparing the halls for the general assembly, including deficiencies, two thousand dollars.

Expenses.

To pay wages of laborers employed under the direction of the superintendent in care of the state house and grounds,

Wages.

- with the heating apparatus of the state house, four thousand nine hundred dollars.
- Repairs, &c.** For repairs and care of heating apparatus of the state house, three thousand dollars.
- Fuel.** For fuel for the state house, two thousand dollars.
- Gas.** For gas for the state house, five thousand dollars.
- Sundry claims.** To pay T. B. Asbury for repairs to state house roof and materials, paint, etc., seven hundred forty dollars and thirty-two cents.
- To pay Randall, Aston & Co., for gilt mouldings for consultation room of supreme court, fourteen dollars and fifty cents.
- To pay St. Clair & Scott for ventilating pipes, etc., for state house, two hundred and seventy-five dollars.
- To pay J. F. Cordray for gas lighter, two dollars.
- To pay H. Tarbill for repairs to boiler, fifty-eight dollars and sixty-four cents.
- To pay Halm, Bellows & Butler for repairing doors, etc., five dollars.
- To pay T. J. Andrews for plumbing, nineteen dollars and fifty cents.
- To pay Hershisier, Adams & Co., for repairs to heating apparatus, one hundred and fourteen dollars and sixty-nine cents.
- To pay Kilbourne, Jones & Co., for materials, hardware, etc., twenty-seven dollars and fifty-six cents.
- To pay A. Hildreth & Co., for lumber and saw dust, fifty-three dollars and two cents.
- To pay Aston, Taylor & Huff for heating apparatus repairs, three dollars and fifty cents.
- To pay Wentz, Beck & Co, for stone sewer from state house, two hundred sixty-five dollars and forty five cents.
- To pay C. D. Parry for horse hire and mule feed, sixty-three dollars.
- To pay Thrall & Roby for materials for furnace, eight dollars and twenty-five cents.
- To pay Alfred Ritson for oil, one dollar and twenty cents.
- To pay Wm. G. Dunn & Co., for sundry dry goods for legislative halls, sixty-six dollars and forty-two cents.
- To pay G. Borchers for repairs to legislative halls, one hundred and one dollars and twenty-one cents.
- To pay C. Ambos & Co., for flues to ventilation stack, twenty-one hundred and seventy-three dollars and fifty cents.
- To pay J. P. Frink for cone reflectors, (balance) thirteen hundred dollars.
- To pay George Weimer for steam pumps, sixteen hundred and sixty dollars and eleven cents.
- To pay Columbus Machine Co., fifteen hundred and ten dollars and sixty-six cents, for removing boilers.
- To pay Jelliff & DeButts for locks and keys for legislative halls, sixty dollars.
- To pay Woolard & Thomas for gas pipes, eighty-eight dollars and two cents.
- To pay David Benbow for painting the room of the clerk of the house of representatives, and the hall connected therewith, one hundred twenty dollars; and for painting the senate clerk's room in the state house, eighty-five dollars.

To pay Philip Knopf for painting consultation room of supreme court, office of clerk of supreme court, wash room, and outside doors thereto; painting skylights and setting glass in the rotunda, painting shelving in law library room, and sign to water closet, and all extra painting in rotunda, court room, senate chamber and hall of representatives, in the aggregate, five hundred twenty-six dollars and seventy-five cents.

To pay Alexis Keeler for superintending painting in November, 1870, fifty dollars.

To pay A. K. Nice for varnishing and repairs to desks, chairs, sofas, etc., three hundred fifty-six dollars and forty-three cents. The same shall be paid on the warrant of the auditor of state when the parties above named shall receipt in full their accounts for which the above appropriations are made.

#### MISCELLANEOUS.

To pay for distributing the laws, journals and public documents, one thousand dollars.

Distribution  
of laws, etc.

To pay for publishing the apportionment according to law, three hundred dollars.

To pay the mileage of county treasurers in settling with the auditor of state, the distance to be computed by the nearest usual routes of travel from the county seats to the seat of government, thirty-four hundred dollars.

Treasurers'  
mileage.

For appraisal and sale of lands, the sum of three hundred dollars.

Sale of lands.

For the expenses of the board of trustees of the Ohio Agricultural and Mechanical College, two thousand five hundred dollars; provided, that no money shall be paid under this appropriation except upon the certificate of the president of said board; and provided, also, that the annual report of said board shall contain an itemized account of the expenses of each member of said board.

Trustees of  
Agricultural  
College.

To pay for water metre boxing and outside main pipe and work in bringing the water into the state house grounds, a sum not exceeding two hundred and three dollars.

Water.

For painting the walls of the two rooms occupied by the adjutant general, and furnishing carpets to the same, an amount not exceeding four hundred and seventy dollars.

Painting  
walls.

For furnishing file cases and repairing furniture in the same, five hundred dollars.

File cases, etc.

For carpeting and painting the east room in the office of the comptroller of the treasury, a sum not exceeding three hundred and twenty-five dollars.

Carpeting,  
etc.

For file cases in the same, two hundred dollars.

For iron railing around the gallery, and iron stairs to the gallery, with hand-railing, painting the walls and wood-work, including the removal of the books to a place of safety, and replacing them after the work is completed, all to be done under the supervision of the librarian of the law library, one thousand dollars.

Iron railing.

Painting halls, etc.	For cleaning and painting the main halls leading north and south from the rotunda on the first and second floors, and the walls and stairways on the east and west leading from the rotunda, to compare with the halls and rotunda, already painted, a sum not exceeding two thousand dollars.
Bounties.	To pay bounties to veteran volunteers under the provisions of the several acts relating to the payment of such bounties, there is re appropriated the sum of three thousand dollars.
Attorney general's text books.	The attorney general is hereby authorized to use of the balance to his credit for contingent expenses in purchase of text books for his office, the sum of one hundred dollars.
Lamps.	To pay Henry L. Fry for two lamps for the two gate posts to be erected at the east gateway of the capital grounds, one hundred and twenty dollars. To pay said Fry for putting up lamps on platform of state house, seventeen dollars and fifty cents.
Chairs.	To pay for chairs for senate chamber, ninety-two dollars.
Reports.	To purchase Ohio State Reports, fifteen hundred and seventy-five dollars.
Sullivant farm.	To pay certificates of indebtedness, issued by the officers of state, in purchase of "Sullivant" farm, for use of Central Lunatic Asylum, and interest upon the same, thirty-one thousand eight hundred dollars; provided, that all moneys received in payment for the old lunatic asylum grounds shall be paid into the treasury and placed to the credit of the general revenue fund.
Carpet.	To pay for carpet purchased by select committee, under resolution of the house, ten hundred and seventy-one dollars. To pay to Osborn, Kershaw and Co., for three hundred and thirty-two yards of carpet and making the same for the senate room, five hundred and thirty-nine dollars and fifty cents.
Removal of bodies.	To pay for removal of the bodies of deceased patients, from the old Central Lunatic Asylum grounds, said removal to be under the care and direction of the trustees of said asylum, at an expense not exceeding an amount actually contracted for to be paid for the labor performed, fifteen hundred dollars. For this purpose said trustees are hereby authorized, at their discretion, to locate and take possession of a suitable ground, not less than ten acres, on the state quarry farm, north of the Columbus and Xenia railroad.
Antietam National Cemetery.	For Ohio's proportion of the expense of establishing, beautifying and maintaining the Antietam National Cemetery, near Shapsburg, Maryland, in which Ohio has three hundred and sixty-nine known and eighty unknown dead buried therein, in full of her proportion, and in satisfaction of any other proposed appropriation at this session, the sum of five thousand five hundred and ninety-two dollars, to be paid to the board of trustees of said Antietam Cemetery.
Morgan raid claims.	To pay claims for damages to property taken, injured or destroyed by the union forces under command of United States officers, in pursuit of General Morgan and his forces through Ohio in 1863, one hundred and forty-three thousand six hundred and eleven dollars; and for claims for damages to prop-

erty taken, injured or destroyed by militia or state troops or union forces not under command of the United States officers, six thousand two hundred and fifty-seven dollars. The claims being reported by the commissioners appointed under act of March 30, 1864, and act of May 5th, 1868.

The official report of the commissioners appointed under the act of March 30th, 1864, entitled "an act to provide for the appointment of commissioners to examine claims growing out of the Morgan raid and prescribing their duties," heretofore filed with the governor of the state, shall be conclusive of the several sums allowed to individuals and of the parties to whom the same may be due; and the governor is hereby authorized and required to deliver to the auditor of state a certified abstract of the claims allowed by said commissioners as appears by said report; and the auditor shall draw his warrant on the treasurer of state in favor of each claimant, for his, her or their claim, and deliver the same, on demand, to such claimant, or his, her or their legal representatives; provided, that nothing in this act contained shall require or authorize said auditor to draw and deliver his warrant to such claimant or claimants, until such claimant, or his legal representatives, shall make and file with said auditor an affidavit to the effect that neither such claimant or claimants, his, her or their heirs, legal representatives or assigns, have ever received any compensation whatever, either directly or indirectly, from the United States government, nor from any other source, for or on account of such claim; and, provided further, that if any claim shall have been sold or assigned, the assignor and assignee shall make oath what consideration was paid for the claim, and the value thereof, and shall receive no more than the consideration paid, without interest.

To pay for compiling census returns as provided for by joint resolution of the general assembly, adopted April 5, 1871, five hundred dollars.

Compiling  
census.

To pay rent and interest thereon due the Ohio University on out-lot No. 94, in the town of Athens, from 1859 to 1870, inclusive, said land having been purchased at the former named date, under the authority of the general assembly, for the purpose of a guard bank at the Athens state dam, which amount is certified to by the treasurer of said university, as being correct, fifty dollars and thirteen cents: To be added to the permanent fund of said Ohio University loaned to the state to procure a deed for said out-lot No. 94, under the provisions of the act entitled "an act authorizing the trustees of the university to dispose of certain lands," passed February 4, 1826, fifty dollars.

Interest to  
Ohio University.

#### NATIONAL ROAD.

SEC. 2. There is hereby appropriated, for superintendence and repairs on the national road, for one year from the fifteenth day of February, 1871, whatever funds may be collected and paid into the state treasury to the credit of the national road fund during the period of one year, together with the unexpended collections of the previous year, if

Superintendence,  
repairs, etc.

any there be, applicable to the same purpose; provided, that so much of the receipts upon said road as may be necessary to make the payments provided for in purchasing the bridge at Zanesville, Ohio, under the act of April 13, 1868, may be used for that purpose; and, provided further, that all tolls paid by the state, or by persons connected with the asylums of the state for passing over said road between the city of Columbus and the Central Lunatic Asylum and Asylum for Imbecile Youth, respectively, shall be applied to the keeping in repair said road between the bridge, in said city, and the entrance to the above first named asylum grounds; and in addition to the revenues above appropriated, there shall be transferred from the general revenue fund to the national road fund, and appropriated to the use of said road, the sum of twelve thousand dollars, heretofore derived from said road.

#### COMMON SCHOOLS.

**School fund.** SEC. 3. There is hereby appropriated from any moneys raised or accruing to the state treasury for the support of common schools, or so much as may come into the state treasury for this purpose, to be distributed and paid in the manner provided by law, one million five hundred thousand dollars.

#### SINKING FUND.

**Sinking fund** SEC. 4. There is hereby appropriated, to be paid out of any funds in the treasury to the credit of the sinking fund, in addition to any former appropriations for the same purpose, to pay interest on the irreducible debt or trust funds of the state, the sum of seven thousand dollars.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 2d, 1871.

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ERRATA.—On page 35, date of law, for "1870," read 1871.  
On page 122, title of law, for "apportionment," read appointment.

# LOCAL AND SPECIAL ACTS.

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## AN ACT

Supplementary to an act entitled "An act to authorize the trustees and board of education of Washington township, Franklin county, Ohio, to levy a tax to build a school house and town hall," passed May 14, 1868, (O. L., vol. 65, p. 275,) and the act amendatory of said last named act, passed April 14, 1869. (O. L., vol. 66, p. 383.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for said trustees and board of education of Washington township, if they see proper to do so, to construct said town hall and school house, so as to accommodate Evening Star Lodge, No. 104, of the Independent Order of Odd Fellows, and Johanan Encampment, No. 57, of the Independent Order of Odd Fellows, located in the town of Dublin, in said township, with suitable rooms and apartments therein, upon such terms and conditions as to them shall appear equitable and just: Provided, that the township trustees and board of education shall have the same power to make a contract with any person or persons, or Lodge, as is granted to them in this act, to make with Evening Star Lodge, No. 104, of the Independent Order of Odd Fellows, and Johanan Encampment, No. 57, of the Independent Order of Odd Fellows; and, provided further, that the portion of said hall or building erected and owned by said Order of Odd Fellows, shall be appraised and taxed as other private property.

SEC. 2. That when said several parties shall agree upon the terms and conditions in regard to the construction of said town hall and school house, and assignment of the various apartments for their several accommodation, they shall reduce their said agreement to writing, under their hands and seals; the trustees and building committee of the board of education of said township in person, and the said Lodge and Encampment by the trustees thereof, and acknowledge the same before some competent person authorized by law to take the acknowledgment of deeds; and when so executed and acknowledged, they shall cause the same to be entered of record in the recorder's office of said Franklin county, and the same shall thereafter be conclusive evidence of the terms of their said agreement and the rights of said parties.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President [pro tem.] of the Senate.*

Passed May 1, 1871.

## AN ACT

To authorize the township trustees of the township of New Lyme, Ashtabula county, Ohio, to transfer certain funds of said township to bridge fund, and to levy a special tax for the years 1871 and 1872.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of New Lyme township, Ashtabula county, be and they are hereby authorized to transfer from the general fund of said township, now in the hands of the treasurer thereof, and to be by him received from the levy made in 1870, the sum of five hundred dollars, as a bridge fund, to be used by said trustees in the repair or construction of bridges in said township.

SEC. 2. That for the purpose of repairing or constructing bridges in said township, the trustees thereof are hereby authorized to levy a tax in the years 1871 and 1872, on all the taxable property of said township, not exceeding the sum of five hundred dollars in each of said years; said money to be expended under the supervision of said trustees, and for that specific purpose only, and such levy to be certified to the county auditor, by said trustees, on or before the first day of June, of each of said years, and the same shall be by him placed upon the duplicate of taxes of said county, and collected and paid over to the treasurer of said township, to be by him paid out on the order of said trustees.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed January 31, 1871.

## AN ACT

To authorize the commissioners of Logan county, Ohio, to transfer fifteen thousand dollars from the bridge fund of said county to the building fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Logan county be and they are hereby authorized to transfer, permanently, fifteen thousand dollars from the bridge fund of said county to the building fund of said county.

SEC. 2. This act to take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed February 3, 1871.

## AN ACT

To amend an act entitled "An act to authorize the Board of Education of the incorporated village of Geneva, Ashtabula county, Ohio, to issue bonds to raise money to pay an existing debt, incurred in the erection of a school building, and to levy a tax to pay said bonds and their interest," passed April 18, 1870. (67 O. L., p. 146.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one and two of said act above recited, passed April 18, 1870, be so amended as to read as follows:

Section 1. That the board of education of the Geneva village school district of Geneva, Ashtabula county, Ohio, be and they are hereby authorized to issue their bonds to the amount not to exceed twelve thousand dollars, to raise money to pay an existing debt incurred in building a school building in said village. Said bonds to be signed by the president and secretary of said board of education, and to be in sums of not less than fifty dollars nor more than five hundred dollars each, bearing interest at a rate not exceeding ten per cent. per annum, payable annually, and payable at any time not exceeding five years from the time of issuing the same, at the discretion of said board; provided, that said bonds shall not be sold for less than their par value.

Section 2. That for the purpose of paying the said bonds and the interest thereon, as the same shall become due, the said board of education are hereby authorized and empowered to levy, on the taxable property of said Geneva village school district of Geneva, Ashtabula county, such amount annually as will be sufficient to pay the principal of the bonds that shall fall due each year, and also the interest falling due annually on all of the bonds so issued, and the money so raised shall not be used for any other purpose than to pay said bonds and interest.

SEC. 2. That original sections one, two and three of the above recited act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed February 3, 1871.

## AN ACT

To create a separate school district in Green township, Adams county Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sub-school district No. 4, Green township, Adams county, Ohio, and bounded as follows: Beginning at the lower corner of George Gilpins'

farm, on the Ohio river; thence up said river and binding thereon to the lower line of Commercial Town; thence with said line and continuing the same direction to the top of the dividing ridge between Lower Twin Creek, Rock Run and the Ohio River; thence with said ridge westerly to northeast corner of sub-district No. 3 in said township; thence with said district and the lower line of the said Gilpin to the beginning, be and the same is hereby created a separate school district, entitled to all the rights and privileges and subject to all the provisions of an act of the General Assembly of the State of Ohio, passed April 9th, 1867, entitled "an act supplementary to an act passed March 14, 1853, entitled an act to provide for the reorganization, supervision and maintenance of common schools," and an act supplementary thereto, passed January 30, 1868, also the act amendatory thereof, passed May 9, 1869, except it shall not be necessary to vote upon the proposition contained in the third section of said act, but upon the notice given as required in section two of said act, the electors shall at once proceed to elect a board of education as required by said act, and said board shall, upon being qualified, proceed to discharge all and singular the duties required of them, and said district shall thenceforth and thereafter become a separate school district.

SEC. 2. This act to take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed February 18, 1871.

## AN ACT

For the relief of William Cronk.

WHEREAS, In the year 1869, one William Cronk contracted with the board of education of the Canfield borough union school district, of the county of Mahoning, for the mason work in the construction of a union school house in said district, for the price of eight thousand eight hundred and two dollars; that in compliance with the terms of said contract, said William Cronk has sustained a loss of over four thousand dollars; therefore,

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Canfield borough union school district, in the county of Mahoning, be authorized to levy a tax on the taxable property of said district for the years, 1871, 1872 and 1873 in equal proportions, the entire sum not to exceed three thousand dollars, for the purpose of remunerating said William Cronk for material furnished and labor performed in the mason work of said union school house; provided, that no tax shall be levied under the provisions of this act, until the levy thereof shall have been authorized by the legal voters of said school district, in the mode provided by the second section of this act.

SEC. 2. The question whether said tax shall be levied, shall be submitted to the legal voters of said school district, and be decided by them, in accordance with the mode submitting and deciding questions of taxation, prescribed by section 21, (S. & C., 1353,) and section 22, (S. & S.,

702,) of the act entitled "an act to provide for the organization, supervision and maintenance of common schools," passed March 14, 1853.

SEC. 3. This act shall take effect on its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed February 18, 1871.

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AN ACT

To change the name of Springfield, in Hamilton county, to Springdale.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the village of Springfield, in Hamilton county, be and the same is hereby changed to Springdale.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed February 24, 1871.

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AN ACT

To authorize the trustees of Aurora township, Portage county, to levy a tax for certain purposes mentioned therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Aurora township, Portage county, be and they are hereby authorized to levy and assess a tax, the amount of which to be by them determined, and submit the same to a vote as herein provided for the purpose of building a vault or receptacle for the dead, and buying a hearse for the use of the township, to be under the control of the trustees or such person as they may appoint; provided, that the trustees shall first submit the question of tax or no tax for either of the above named purposes to the qualified electors of the township at a general election, having given at least twenty days' notice of the same in at least three public places in the township, which notice shall state the amount to be raised and for what purpose.

SEC. 2. The electors voting at said election shall have written or printed upon their ballots the words, "Tax, for the purpose mentioned—Yes;" or, "Tax, for the purpose mentioned—No;" and if a majority of all the electors voting at said election upon either or all of the questions submitted shall vote, "Tax—Yes," this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 3. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 10, 1871.

AN ACT

To authorize the Trustees of Saltcreek township, Pickaway county, to levy a tax to pay money borrowed by certain citizens of said township, for the purpose of procuring volunteers to fill the quota of the township under the call of the President of the United States of December 19, 1864.

WHEREAS, at a meeting of the citizens of Saltcreek township, Pickaway county, George S. Hossler and James Ballard were appointed a committee to procure volunteers to fill the quota of said township, under said call of the President for troops, and to raise by subscription or otherwise the funds necessary to that end; and,

WHEREAS, the above-named persons, acting as such committee, borrowed the sum of thirteen hundred dollars for the purpose of paying bounties to volunteers to fill the quota of said township under said call; and,

WHEREAS, the above named persons expended the said sum of thirteen hundred dollars in the payment of bounties to volunteers for that purpose, and by means whereof the said township was relieved from draft under said call; and,

WHEREAS, the above-named persons are personally responsible for the said sum of money, and interest thereon, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Saltcreek township, Pickaway county, be and they are hereby authorized to levy upon the taxable property of said township for the year 1870 or 1871, a tax sufficient to pay the said George S. Hossler and James Ballard the said sum of thirteen hundred dollars, for money borrowed by them on the authority of a public meeting of the citizens of said township, to pay bounties to volunteers to clear said township from draft, under the said call of the President for troops, and also the interest thereon from the first day of March, 1865.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed March 1 ,

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AN ACT

Supplementary to an act entitled "an act to authorize the trustees of Jefferson township, Brown county, Ohio, to levy a tax to pay money borrowed by certain citizens of said township for the purpose of procuring volunteers to fill the quota of the township under the call of the President of the United States," passed April 18, 1870. (Ohio Laws, vol. 67, page 151.)

WHEREAS, It is made to appear to the satisfaction of this general assembly, that the levy authorized by the first section of the act to which this is supplementary, was not levied in consequence of official notice

of the passage of said act not reaching the trustees of said Jefferson township in time to make said levy for the year 1870; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That all the powers and authority vested in said trustees by said act of April 1870, be and the same are hereby extended so as to include the year 1871.

SEC. 2. This act to take effect on its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed March 14, 1871.

## AN ACT

To authorize the trustees of Silver Creek township, Greene county, to loan certain moneys.

WHEREAS, The trustees of Silver Creek township, Greene county, about the year 1851, under and by virtue of the provisions of the "act to charter the Dayton, Xenia & Belpre railroad company," passed February 19, 1851, subscribed the sum of ten thousand dollars to the capital stock of said company, and issued the bonds of said township therefor; and,

WHEREAS, The money for the redemption of all said bonds was raised by taxation in said township, and said bonds were duly redeemed some ten years since, except two, amounting to twelve hundred dollars, which have never been presented for payment, said sum having since lain in the treasury of said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said Silver Creek township, be and they are hereby authorized to loan said sum of twelve hundred dollars, with the accruing interest thereon from year to year, upon a collateral security of not less than the amount loaned, in United States registered bonds, or bonds of the state of Ohio, or unincumbered real estate of double the amount, exclusive of buildings, approved by all said trustees, at a rate of interest not exceeding eight per centum per annum, until the expiration of fifteen years from the date of maturity of said bonds, when, if the same be still outstanding, said sum, with the accrued interest thereon, shall be transferred and credited to the township fund of said township.

SEC. 2. This act shall take effect on its passage.

J. R. COCKERILL,  
*Speaker pro tem. of the House of Representatives.*

SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed March 18, 1871.

## AN ACT

To repeal section two of an act entitled "an act to incorporate the borough of Youngstown, in the county of Mahoning," passed March 20th, 1851. (Laws of Ohio, vol. 49, old series, page 679.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two of the above recited act be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 22, 1871.

## AN ACT

To authorize the commissioners of Clinton county, Ohio, to transfer thirty thousand six hundred dollars from other funds to the county fund of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Clinton county be and they are hereby authorized to transfer, permanently, twenty-six hundred dollars of money in the treasury of said county, raised for the purpose of assisting in the building of the Cincinnati, Wilmington & Zanesville railroad, and not now needed for that purpose, ten thousand dollars from the infirmary fund of said county, and twenty thousand dollars from the building fund of said county, to the county fund of said county; provided, that the commissioners, in estimating the levies for county purposes, at the June session, 1871, shall deduct from the gross amount of county tax, which they may be authorized by law to levy, the thirty thousand dollars thus transferred to county fund; shall make no further levy than the legal levy, less thirty thousand dollars, so transferred.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 30, 1871.

## AN ACT

To authorize the board of education of the separate school district of the village of Centreville, Gallia county, Ohio, to issue bonds and borrow money.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the separate school district of the village of Centreville, in Gallia county, Ohio, be and they are hereby authorized and empowered to issue bonds not to exceed the sum of two thousand dollars, bearing a rate of interest not to exceed eight per cent., and to be of such denomination as the said board shall determine, not less than fifty dollars each, which said bonds shall be made payable in one, two, three, four, five and six years, in such proportions as said board may deem for the best interests of said district, and shall not be sold for less than their par value, and the money arising from the sale of such bonds shall be applied to the building and furnishing a school house, in said separate school district, and for no other purpose whatever.

SEC. 2. That said board of education shall have power, and it is hereby made their duty, after the issuing of said bonds, to levy a tax on the taxable property of said separate school district, in each year during the running of said bonds, sufficient to pay the interest and ultimately to pay the principal of said bonds, and the money arising from such tax shall be applied by said board to the payment of the interest and principal of said bonds, and for no other purpose.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 31, 1871.

## AN ACT

To refund certain moneys to the minor heirs of Francis Solier, deceased.

WHEREAS, Francis Solier, in the year 1868, contracted with the board of education of the independent union school district of the incorporated village of Stryker, in the county of Williams, Ohio, to erect a house for the use of schools in said district at said town of Stryker; and,

WHEREAS, Afterward the said Francis Solier, under said contract, procured a large amount of materials, brick, stone and lumber upon the school lot in said town, for the purpose of the erection and completion of said school building; and,

WHEREAS, The said Francis Solier, after so procuring said materials, departed this life in the year 1868; and,

WHEREAS, The proper officers, the board of education, required of S. A. Brownell, administrator of the estate of said Francis Solier, deceased, the erection and completion of said building under said contract, and said administrator, upon an agreement to compromise with said board

of education, paid to said board, and said board received of said administrator of the funds of said estate, the sum of seventeen hundred and sixty dollars, and also relinquished to said board all of the building materials so as aforesaid procured and furnished; and,

WHEREAS, The resident tax-payers of said town of Stryker, by nearly a unanimous petition, have asked of the general assembly of the State of Ohio, authority by taxation, to refund to the minor heirs of said Francis Solier, deceased, the said sum of seventeen hundred and sixty dollars, with interest, from September 1, 1868; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the union school district of Stryker, Williams county, Ohio, for the purpose of raising money to pay the minor heirs of Francis Solier, deceased, a sum not less than nineteen hundred and fifty dollars, are authorized and required to issue bonds of the said district of Stryker, Williams county, Ohio, in sums not less than one hundred dollars each, not to exceed in the aggregate nineteen hundred and fifty dollars, and at a rate of interest not exceeding eight per cent. per annum, interest payable annually; said bonds to be made payable in a period not exceeding five years, redeemable at the pleasure of the board at any time after one year.

SEC. 2. Said bonds shall be signed by the president of said board, and attested by the secretary, who shall also keep a record of all bonds issued, to whom issued, and when payable; and said bonds shall be negotiable but not disposed of at less than their par value.

SEC. 3. Said board of education is hereby authorized, whenever in their opinion it shall become necessary, to levy a tax to pay said bonds, or the interest thereon, to certify the fact to the auditor of said Williams county, and said auditor shall cause such sum so certified by said board to be necessary to be levied upon the taxable property of said school district, and the same shall be collected as other school taxes are or may be, and paid to the treasurer of said board; provided, that said sum so levied shall not exceed in any one year five mills on the dollar of the valuation of the taxable property of said district, in addition to that now authorized by law to be raised for school house purposes; provided, however, that no bonds shall issue or tax be levied under the provisions of this act until the propriety of the same has been submitted to and received the approbation of a majority of the legal voters of said school district.

SEC. 4. In order to hold an election to ascertain the will of the voters of said independent school district, the same proceedings shall be had as are required by the "act for the better regulation of the public schools in cities and towns, etc.," passed February 21, 1849, for the organization of separate school districts.

SEC. 5. The money so raised shall be expended for the purposes of paying the said minor heirs of said Francis Solier, deceased, the said sum aforesaid.

SEC. 6. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed March 31, 1871.

## AN ACT

To extend the time for the payment of school lands in section sixteen, in Marion township, Morgan county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of three years from the day the respective installments become due, be and the same is hereby given to the purchasers of lands in school section number sixteen, in Marion township, Morgan county, Ohio, for the payment of the purchase money thereof; provided, that the interest and taxes thereon shall be punctually paid according to law; and, provided further, that the auditor of said county may at any time require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.

SEC. 2. Before any purchaser of any of said lands shall be entitled to the benefits of the provisions of the first section of this act, said purchaser shall be required to pay the first, second and third installments of the purchase money thereof.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed March 31, 1871.

## AN ACT

To authorize the creation of a separate school district in Ridgeville township, Henry county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory now comprised in sub-district number one (1), and the southeast quarter of section twenty-four (24), of the township of Ridgeville, in Henry county, be and the same is hereby created and declared to constitute a separate school district; provided, however, that a majority of the electors residing upon said territory shall vote in favor of said separate school district, and proceed to organize the same under the provisions of the act of April 9, 1867 (Swan and Sayler, page 717), except the limitation of the first section, requiring a population of two hundred and seventy-five persons.

SEC. 2. This act shall take effect upon its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 1, 1871.

## AN ACT

To authorize the commissioners of Franklin county to levy additional taxes for the purpose of finishing the iron bridge across the Scioto river at the foot of State street in the city of Columbus, and to discharge an existing indebtedness against the same.

WHEREAS, It appears by representations made by the county commissioners of the county of Franklin, that in order to finish the approaches to said bridge, and to pay off and discharge an existing indebtedness arising on account of the building of said bridge, it will require the further sum of twenty-two thousand dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of the said county of Franklin be and they are hereby authorized to levy a tax, not exceeding said sum of twenty-two thousand dollars, on the total valuation of the taxable property of said county for the year 1871, for the purpose of finishing said bridge and paying off and discharging the existing indebtedness contracted on account thereof.

SEC. 2. That said levy shall be made by said commissioners at the same time they are required by law to make the necessary levies for general county purposes.

SEC. 3. That in case there shall be any fund in the treasury of said county that has been levied and collected for a special purpose, and such fund or a part thereof will not be needed for such purpose until after the time fixed by law for the collection of the tax authorized by the first section of this act, the said commissioners shall have power to transfer such special fund, or such part thereof as may be needed for the purposes named in this act, temporarily, to said purposes, and reimburse such special fund out of the taxes herein authorized to be levied, as soon as the same shall be collected.

SEC. 4. This act shall be in force and take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 1, 1871.

## AN ACT

To authorize the board of education in the city of Columbus to borrow money and issue bonds, to build school houses in said city of Columbus.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Columbus be and the same is hereby authorized to borrow seventy-five thousand dollars, for the purpose of erecting, finishing and furnishing school houses in said city

of Columbus; twenty-five thousand dollars for building and furnishing a school house for colored children; twenty thousand dollars for building and furnishing a school house in Middleton, on the west side of the river; twenty-two thousand dollars to finish and furnish State street school house; and eight thousand dollars to finish and furnish the German grammar school house; and the money herein authorized to be raised shall be used for the purposes herein specified, and for no other purpose whatever.

SEC. 2. That for the purposes aforesaid, the said board of education is hereby authorized and empowered to issue bonds, to be signed by the president and attested by the secretary of said board, in sums of not less than five hundred nor more than one thousand dollars, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually; said bonds to be payable at any time not exceeding fifteen years from date; provided, that said bonds shall not be sold for less than their par value.

SEC. 3. That said board of education is hereby empowered to levy a tax, annually, on all the taxable property within said city of Columbus, sufficient to pay said bonds, together with interest thereon, as they fall due, which levy shall be placed on the tax duplicate, by the auditor of said county, and collected as other taxes; provided, that before said board of education shall borrow said money, issue said bonds, or levy such tax, the question shall be submitted to the electors of said city of Columbus at some regular election, or on the second Monday of April, 1871, whether they desire said bonds to be issued and tax levied; and, provided further, that notice of the submission of said question shall be published daily, for at least five successive days preceding the election at which such submission shall be made, in two daily newspapers published in said city; and if a majority of the electors voting at said election, upon the question, shall be in favor of a tax being levied and bonds issued for said purposes, then said board of education shall be fully authorized to proceed under the provisions of this act.

SEC. 4. Said question shall be submitted to the electors in the form, "School tax—Yes;" "School tax—No;" which shall be written or printed, or partly written or printed, on the ballots, and the returns of said election shall be made as in the cases now provided by law. The board of education shall have power and authority, and it is hereby made their duty, to order an election, and to cause notice thereof to be published, as provided in section third of this act.

SEC. 5. This act shall be in force from and after its passage.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 3d, 1871.

## AN ACT

To authorize the electors of Adams county, Ohio, to vote upon the proposition to remove the seat of justice of said county from the town of West Union to the town of Manchester, in said county.

WHEREAS, A number of electors of Adams county, Ohio, have petitioned this general assembly, praying the passage of an act authorizing

a vote to be taken on the proposition for the removal of the seat of justice of said county from the town of West Union to the town of Manchester, in said county; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That at the next general election held in this state, to-wit: On the second Tuesday of October (tenth), A. D. 1871, the electors of said county are hereby authorized to place upon their ballots for state and county officers, the words "For removal of seat of justice—Yes;" "For removal of seat of justice—No;" and said votes so given shall be counted and returned to the clerk of the court of common pleas of said county, and shall be by said clerk opened, counted, and an abstract made thereof in the same manner as the votes for state and county officers are now required by law, and if it shall appear that a majority of the votes given at said election as required by the constitution of this state, shall be in favor of such removal, then the seat of justice for said county shall be located at the town of Manchester, as hereinafter provided.

SEC. 2. If a majority of said votes shall be in favor of removal of said seat of justice, so soon as the same shall be ascertained, it shall be the duty of the commissioners of said county to select and procure a suitable site for the location of the county buildings in said town of Manchester, which site shall contain not less than one acre of land, the title to which shall be absolutely vested in said county; and said commissioners shall immediately proceed, as now provided by law, to erect on said site a good, substantial and suitable court house of modern style, and a good and sufficient jail, and other proper buildings; which said court house shall contain suitable and commodious rooms for holding courts, with rooms for grand and petit jurors, and separate and suitable offices for the transaction of public business for the probate judge, clerk of the court of common pleas, sheriff, auditor, treasurer, recorder, and such other officers as may be hereafter required to keep their offices at the seat of justice. And said jail shall be substantially built, so as to safely keep prisoners contained therein, and also contain suitable and commodious rooms for the jailor and his family; and said buildings shall be erected and completed on or before the first Monday of June, A. D. 1873.

Said commissioners, in the erection of said buildings, shall be allowed to receive donations therefor; and in case a majority of said votes shall not be in favor of removal, said commissioners may likewise receive donations for the erection of new buildings or the repair and improvement of the buildings at the present seat of justice in the town of West Union aforesaid.

SEC. 3. On the said first Monday of June, A. D. 1873, if the vote be in favor of removal, the offices of probate judge, clerk of the court of common pleas, sheriff, auditor, treasurer, recorder, and any other county officer hereafter required to be kept at the seat of justice, together with all papers, books, records and furniture appertaining to said offices, shall be removed to their respective rooms in said court house in the town of Manchester, together with all the persons confined in the jail of said county, and the courts of said county shall be thereafter held, and all county public business transacted at said re-located seat of justice, and the seat of justice for said county of Adams, shall thenceforth and thereafter be permanently located at the town of Manchester aforesaid; provided, that nothing in this act shall be so construed as to affect the legal rights acquired by any person by virtue of the provisions of an act entitled an act providing for the permanent establishment of the seat of justice in the

county of Adams, passed April 13, 1803, and an act entitled "an act for establishing the permanent seat of justice in the county of Adams," passed January 16, 1804.

J. R. COCKERILL,  
*Speaker pro tem. of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 4, 1871.

### AN ACT

To authorize the Commissioners of Lucas county to levy a tax to pay the debt of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Lucas county be and they are hereby authorized to levy a tax, not exceeding one mill on a dollar, on all the taxable property of said county, for the purpose of paying the indebtedness of said county; provided, that said commissioners shall make the additional levy authorized by this act, only at their June session in the year A. D. 1871.

SEC. 2. This act shall be in force from its passage.

J. R. COCKERILL,  
*Speaker pro tem. of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 4, 1871.

### AN ACT

To authorize the trustees of Newton township, Muskingum county, to pay out of the treasury of said township the sum of \$100 each to John W. Sniff, Washington Sniff, John D. Axline and George R. Baker, volunteers in company "A," 9th Ohio Cavalry, credited in fact to said township upon its draft quota.

WHEREAS, It appears upon the petition of the said trustees and a large number of the taxpayers of said township, that in conformity to the laws of Ohio, in 1866, a levy for tax was made in said township to pay at said date one hundred dollars to each volunteer credited to said township upon its draft quota, and a sufficient amount was so raised and paid into the treasury of said township, and all parties entitled thereto, except said John W. Sniff, Washington Sniff, John D. Axline and George R. Baker, have received the same, and payment has been withheld from them simply because there was a technical defect in their credit; and,

WHEREAS, It appears that by their enlistment and service, said township was in fact benefited to the amount of four upon its draft quota, and that they faithfully performed their duties under said credit and enlistment, and have never received any of said township bounty as aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said township be and they are hereby authorized and empowered to pay each of said four volunteers the sum of one hundred dollars, with interest from September first, 1866, out of any funds levied and collected in the treasury of said township.

SEC. 2. This act shall take effect and be in force upon its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 6, 1871.

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### AN ACT

To change the name of the village of Millwood, Guernsey county, to Quaker City.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the village of Millwood, in Guernsey county, be changed to Quaker City.

SEC. 2. This act to take effect and be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed April 12, 1871.

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### AN ACT

To authorize the commissioners of Summit county to transfer certain Bridge funds to certain road funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Summit county are hereby authorized and empowered to transfer twelve hundred dollars from the bridge fund of said county to the fund known as the "road construction fund number one."

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed April 12, 1871.

## AN ACT

To change the name of the village of Brownsville, in Knox county, to Jelloway.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the village of Brownsville, in Knox county, be changed to Jelloway.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed April 12, 1871.

## AN ACT

To enable the board of education of Napoleon, Henry county, Union School District, to borrow money to complete and furnish a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the union school district of Napoleon, Henry county, Ohio, for the purpose of raising money to complete and furnish the union school building in said district, be and they are hereby authorized to issue bonds of the said district of Napoleon, Henry county, Ohio, in sums of not less than one hundred dollars each, and not to exceed in the aggregate eight thousand dollars (\$8,000), and at a rate of interest not exceeding eight per centum per annum, interest payable semi-annually; said bonds to be made payable in a period of time not exceeding nine years, and redeemable at the pleasure of the board at any time after three years.

SEC. 2. Said bonds shall be signed by the president of the board and attested by the secretary, who also shall keep a record of all bonds issued, to whom issued, and when payable, and said bonds shall be negotiable, but shall not be disposed of at less than their par value.

SEC. 3. That said board of education is hereby authorized, whenever in their opinion it shall become necessary, to levy a tax to pay said bonds or the interest thereon, to certify that fact to the auditor of Henry county; and said auditor shall cause such sum so certified by said board to be necessary, to be levied upon the taxable property of said union school district, and the same shall be collected as other school taxes are or may be, and paid to the treasurer of said board; provided, that said sum so levied shall not exceed in any one year ten mills on the dollar of the valuation of the taxable property of said district in addition to that now authorized by law to be raised for school and school house purposes; and, provided further, that no levy shall be made to pay anything but the interest on said bonds before the year 1872.

SEC. 4. The money so raised shall be expended only for the erection, completing and furnishing of said building.

SEC. 5. This act shall take effect and be in force from its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 20, 1871.

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### AN ACT

To authorize the city council of Warren, Trumbull county, to make an assessment to complete street paving.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That to complete the paving of any streets, now paved only in part in the city of Warren, Trumbull county, the council of said city is authorized to raise by an assessment to be made per foot front upon the real property abutting upon said streets, a sum sufficient to defray the cost of completing said paving; provided, that such assessment and said improvements shall not be made, unless petitioned for by a majority of the real estate owners on said streets; and provided, also, that two thirds of the said council shall vote to authorize the levy. Said assessment shall be payable and collected in three equal annual installments.

SEC. 2. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 20, 1871.

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### AN ACT

To amend "An act to provide for draining certain ponds in the county of Butler," passed March 2d, 1838, and the act amendatory thereto, passed March 12th, 1839, and the act further amendatory thereto, passed February 18th, 1845, and to extend the provisions of said act to the county of Hamilton.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of more effectually draining the lands referred to in the original act to which this is amendatory, and the lands adjacent thereto in the counties of Hamilton and Butler, that the commissioners of Butler county be and they are hereby authorized, whenever the same is demanded by, or will be conducive to the public health, convenience or welfare, to extend the present main drain constructed under said acts,

from the present terminus southward, in or near the bed of Mill Creek to the line of Hamilton county, and that the commissioners of Hamilton county be and they are hereby authorized to extend the said drain southward in or near the bed of Mill Creek, in Sycamore township, in the county of Hamilton, to the junction of the east and west fork of Mill Creek, the said drain to be of such depth and width as may be determined by said commissioners jointly.

SEC. 2. That the commissioners of each county shall appoint two suitable freeholders of their respective counties, who shall proceed before the first day of May next to make an estimate in their respective counties of the increase in value of the several tracts of land covered by said ponds and stagnant water, and of the lands adjacent thereto, and that will be benefited by said drain, and in making said estimate said freeholders shall take into consideration the advantages which would be gained by each tract of land by the construction of such drain; said freeholders shall, within the time above stated, or as soon thereafter as practicable, under oath make a report to their respective county commissioners, showing a statement of each tract, with the name of the owners and of the estimate of said increased value; provided, that no land shall be included in said report which is not within two and one-half miles of said drain, or within the same distance of the present drain.

SEC. 3. That if the owners of any tract of land shall be dissatisfied with the estimate of said freeholder, he shall within twenty days after the same is filed, apply to the commissioners of the county where said land lies, who shall have power to examine into the matter, and to reduce or increase the amount of said estimate, or strike out, or add any tract improperly included or omitted therein.

SEC. 4. That the commissioners of each county shall at their regular sessions in June in each year, so long as it may be necessary, levy upon each tract included in said report as modified by the commissioners, such per centum upon the estimate made as aforesaid, as will be sufficient to fully complete said drain, and that the per centum levied as aforesaid shall be added to the duplicate of state and county taxes, and collected by the treasurers of the counties of Butler and Hamilton respectively, in the same manner that state and county taxes are by law required to be collected.

SEC. 5. That the commissioners of the counties of Butler and Hamilton shall jointly employ a suitable engineer, whose duty it shall be to assist said commissioners in locating and determining the dimension of said drain, and whose duty it shall be to superintend said work and to make estimates thereof.

SEC. 6. That the money collected as aforesaid, shall be expended in paying the expenses of said engineer and other expenses incident to said work, and in paying for the completion of said drain. No money shall be paid out except upon the certificate of the engineer. The work shall be divided into suitable sections by the engineer, and shall be let at public lettings to the lowest responsible bidder, who shall enter into bond with satisfactory security to the commissioners, conditioned for the faithful performance of his contract.

SEC. 7. It shall be the duty of the several persons upon whose lands the main drain and its several branches which have been heretofore constructed, and also the main drain herein provided to be extended, to keep the same and the banks thereof free from logs, brush, timber, and undergrowth, and if they shall fail so to do, after reasonable notice from the

commissioners of the county, the same shall be removed under the direction of said commissioners, and the costs and expenses incident thereto shall be assessed against said tracts of land respectively, and placed upon the duplicate of state and county taxes, and collected as other taxes.

SEC. 8. That said drains and branches shall be under the control, supervision and charge of the county commissioners of the respective counties in which the same are situated. If at any time said original main drain or its branches, or said drain as extended, shall become filled up or obstructed with dirt, gravel, weeds, grass, or rubbish, or shall otherwise require to be cleaned out or repaired, so that the water shall not have a free and unobstructed passage along the same, it shall be the duty of the commissioners of each of said counties to proceed and have said drains and their branches cleaned out and said obstructions removed and repairs made, and if deemed necessary to deepen and widen the same, and that for the purpose of defraying the expenses of the same, the commissioners of each of said counties shall first ascertain the amount of said expenses, and then appoint two freeholders of their respective counties who shall under oath report to the said commissioners an estimate of the relative proportion thereof, that should be borne by the several tracts of land covered by said ponds and stagnant water and the lands adjacent to said main drain and its branches, or that will be benefited thereby, but within two and one-half miles thereof, the same to be estimated and apportioned in the same manner and basis as provided in section two (2) of this act. The respective owners and the county commissioners having the same privilege and power of correcting the same as provided in section three of this act, and the said assessments when thus corrected, to be levied on such lands and placed upon the duplicates for collection and collected as provided in said section three.

SEC. 9. If any person shall willfully injure or obstruct said drain or any of its branches, or place rubbish therein, said person shall be liable to pay a penalty of not more than twenty dollars, nor less than five dollars, to be recovered in an action in the name of the commissioners of Butler county, before any justice of the peace of said county, and such persons shall be moreover liable in said action for the amount of damages done to such drain, including what it will require to remove said obstruction.

SEC. 10. That the act entitled an act further to amend the act to provide for the draining of certain ponds in the county of Butler, passed March 2d, 1838, passed February 18, 1845, be and the same is hereby repealed.

SEC. 11. That the board of public works be and they are hereby authorized and required to enlarge the aqueduct or culvert under the Miami and Erie canal, in Fairfield township, Butler county, Ohio, built under and in pursuance of the seventh section of the act entitled an act to provide for draining certain ponds in the county of Butler, passed March 2d, 1838, the same being inadequate to pass the quantity of water that must of necessity pass under said canal.

SEC. 12. That if the right of way cannot be procured from the owners of lands for construction of the extension of the main drain from the present terminus in Butler county to the forks of Mill Creek in Hamilton county, as provided in section one of this act, it shall be lawful for the commissioners of each county to make out an accurate survey and description of the parcels of land which they desire to appropriate for such drain, and file the same with the probate judge of the proper county, and

thereupon such proceeding of appropriation shall be had as are provided for by the act entitled "an act to provide for compensation to owners of private property appropriated to the use of corporations," passed April 30, 1852, and acts amendatory thereto.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

### AN ACT

To authorize the trustees of Conneaut township, Ashtabula county, Ohio, to purchase a fair ground, and to levy a tax for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Conneaut, Ashtabula county, Ohio, be and they are hereby authorized to purchase for a township fair ground, and other township purposes, the tract of land now occupied by the Conneaut agricultural society, and comprising about twenty-five acres of land, and to pay therefor a sum not exceeding twenty-five hundred dollars, and the same to be conveyed to the said township of Conneaut in fee simple.

SEC. 2. That for the purpose of paying for said land, and for that purpose only, the trustees of the said township of Conneaut, Ashtabula county, Ohio, are hereby authorized and empowered to levy a tax upon all the taxable property of said township of Conneaut, both real and personal, in the years 1871, 1872, 1873 and 1874, or either, as they may determine, and the same to be certified by said trustees to the county auditor, by whom the same shall be entered upon the duplicate of said county and collected as other taxes; and the money so raised shall be paid over to the treasurer of said township of Conneaut, to be paid out by him on the order of the township trustees, certified by the township clerk; provided, that before said trustees shall make said levy, they shall submit to the electors of said township at some regular township election, the question as to the expediency of making said purchase and levies, and of which said election, notice shall be given as required by law for the election of township officers.

SEC. 3. At said election the electors shall have written or printed, or partly written or printed, the words "for fair grounds—yes," or "for fair grounds—no;" and if a majority of all the electors of said township of Conneaut voting at said election upon this question, shall vote "for fair grounds—yes," this act shall thereupon be considered and holden to have been adopted by such majority.

SEC. 4. The township trustees of said township of Conneaut shall have full power and authority to lease said grounds for and to permit the same to be used as a fair ground.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

## AN ACT

To amend an act supplementary to an act to provide for locating, establishing and constructing ditches and drains in Hog Creek marsh, in Hardin county, Ohio, passed March 1st, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the act supplementary to an act to provide for locating, establishing and constructing ditches and drains in Hog Creek marsh, in Hardin county, Ohio, which supplementary act was passed March 1st, 1870, be so amended as to read as follows :

Section 1. That the county commissioners of Hardin county be and they are hereby authorized, whenever they deem the same necessary, to make contracts for the construction of a proper outlet, sufficient to thoroughly drain said marsh, down the channel of Hog Creek or contiguous thereto, and that they are authorized to obtain by grant or take possession from the owner or owners of land through which said ditch or outlet will pass, the right of way, and to take the stone out necessary to the construction of said ditch or outlet, and dispose of the stone to the best advantage, the proceeds to apply on the cost of the same and the removing thereof.

SEC. 2. That section two of said act be so amended as to read as follows :

Section 2. And when said commissioners and the owner or owners of said lauds so appropriated, or of the said stone, fail to agree as to the amount of compensation to be paid by the said commissioners to the said owners, then the same shall be ascertained and adjusted by said commissioners under the law now in force, providing for private property appropriated to public use. Said commissioners are hereby authorized to employ a competent surveyor and engineer, whose fees shall be the same as are provided in the law in like cases, who shall discharge the duties of surveyor and engineer until discharged, or his successor is appointed by said commissioners.

SEC. 3. The contracts specified in the first section of this act shall not be made by the said commissioners, until a notice specifying the work to be done, the time within which it shall be done, and the time and place proposed for letting or making such contracts, shall have been published for three consecutive weeks in each of the newspapers published in said county of Hardin ; and the said commissioners shall attend at the time and place specified in said notice, and let said contracts at public auction to the lowest responsible bidder, taking from said lowest responsible bidders an undertaking sufficient to secure the proper performance of said work ; and when said work is completed to the satisfaction of said county commissioners, the person or persons taking such contract and doing said work, shall be paid therefor out of the county treasury upon the order of the county auditor.

SEC. 4. That the county commissioners shall make an equitable apportionment of the costs, expenses, costs of construction of said ditch, drain or outlet, fees and compensation for property appropriated, which shall accrue and be assessed and determined under this act, amount to owners of the lands to be benefited by the location and construction of said ditch, drain or outlet, in proportion to the benefit to each of them ; and the same shall be levied by the county auditor upon the lands of the owners so benefited in said proportion, by entering on the tax duplicate of said

county the proportions fixed and determined by the county commissioners, in installments during one and two years as follows, viz: the first installment in the year 1871, the second installment in the year 1872; and said taxes shall be collected in such manner as other taxes are collected for county purposes.

SEC. 5. For the purpose of anticipating the money provided for in the fourth section of this act, the said commissioners are hereby authorized, if they shall deem it expedient, to issue bonds in amount not exceeding twenty thousand dollars in the aggregate, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually. The principal of said bonds to be made payable at such times as the commissioners may determine, not later than the first day of August, 1873; provided, that said bonds shall not be sold for less than their par value.

SEC. 6. That the collection of the taxes levied or ordered to be levied, to pay for the construction and location of the ditch, drain or outlet to be constructed under and by authority of this act, shall not be perpetually enjoined, or declared absolutely void, in consequence of any error committed by the engineer or surveyor, or by the county auditor, or by the county commissioners, in the location and establishment thereof, nor by reason of any error or informality appearing in the record of the proceedings by which such ditch, drain or outlet shall have been located and established. But the court in which any proceeding may hereafter be brought to reverse or to declare void the proceedings by which such ditch, drain or outlet has been located or established, or to enjoin the tax levied or to be levied to pay for the labor and fees aforesaid, shall, if there be manifest error in said proceedings, set the same aside, and allow the plaintiff in the action to come in and show wherein he has been injured thereby. The court shall on the application of either party, appoint such person or persons to examine the premises or survey the same or both as may be deemed necessary; and the court shall on final hearing, make such order in the premises as shall be just and equitable, and may order such tax to remain on the duplicate for collection, or order the same to be levied, or may perpetually enjoin the same, or any part thereof, or if the same shall have been paid under protest, shall order the whole or such part thereof as may be just and equitable to be refunded, the costs of said proceedings to be apportioned among the parties, or be paid out of the county treasury as justice may require.

SEC. 7. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 20, 1871.

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## AN ACT

To authorize the county commissioners of Brown county to levy an additional tax for the payment of county expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Brown county be and they are hereby

authorized to levy a tax, not exceeding one-half mill each year, for 1871 and 1872, on the dollar, annually, on all taxable property of said county, in addition to the levy now authorized by law, which tax shall be applied to paying the indebtedness and expense of said county; provided, that said county commissioners shall make such additional levy at their June terms, in the years 1871 and 1872.

SEC. 2. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

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### AN ACT

To authorize the commissioners of Tuscarawas county to construct a Bridge across Little Stillwater Creek, and make the necessary approach thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Tuscarawas county, Ohio, be and they are hereby authorized to build a bridge across Little Stillwater Creek, at the point where a line running from the east end of Fourth street, in the village of Urichsville, to the west end of Grant street, in the village of Dennison, crosses said creek; also, to construct an embankment, the height of which shall be above high water mark, across the valley, and which shall constitute the approach to said bridge. The said bridge shall be built with a double track, and in a permanent and substantial form, of iron, or such other material as said commissioners may determine.

SEC. 2. That for the purpose of constructing the aforesaid bridge and embankment, the commissioners of said county be and are hereby authorized and empowered to levy a tax on all taxable property in said county; provided, that said levy shall not exceed the sum of five thousand dollars.

SEC. 3. This act to take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

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### AN ACT

To provide for the payment of the general indebtedness of Allen county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of providing means for the redemption of orders upon the general fund now outstanding, the commissioners of Allen

county be and they are hereby authorized and empowered to levy, in addition to the amount now authorized by law to be levied for general county purposes, such per cent. upon the grand duplicate of said county as they may find necessary to raise the sum of eight thousand five hundred dollars, and no more.

SEC. 2. *And be it further enacted*, That the amount of the taxes provided for by this act shall be levied in equal one-half parts, upon the grand duplicates of the years 1871 and 1872.

SEC. 3. *And be it further enacted*, That the money raised upon the increased levy provided for by this act, shall by said commissioners be specifically set apart and applied to the redemption of any unpaid orders or other indebtedness, due and payable out of said general county funds, and to no other purpose whatever; and that any balance remaining after discharging such indebtedness, shall be placed to the credit of the said general county fund.

SEC. 4. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

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#### AN ACT

To authorize the commissioners of Montgomery county to levy a tax for improvements, and to pay off certain indebtedness for past improvements made on the fair grounds of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of Montgomery county be and they are hereby authorized to levy a tax, not to exceed in the aggregate six thousand dollars, on the taxable property of said county, to pay for improvements heretofore made and to be made by the Montgomery county agricultural society on the fair grounds of said county.

SEC. 2. That the tax which shall be levied under the first section of this act, shall be placed by the auditor of said county on the grand duplicate, and collected by the treasurer in the same manner as state and county taxes are collected.

SEC. 3. That when said collections have been made, the commissioners of said county are hereby authorized to appropriate the same, for the purposes mentioned in the first section of this act, in such sums as may be required, on the order of the board of directors of the agricultural society of said county.

SEC. 4. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*

J. C. LEE,  
*President of the Senate.*

Passed April 20, 1871.

## AN ACT

To authorize the church of the United Brethren in Christ, in the village of Cameron, in the county of Monroe, to sell their church property and dispose of the proceeds of such sale.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the church of United Brethren in Christ, in the village of Cameron, in the county of Monroe, are hereby authorized and empowered to sell lot number four (4), belonging to said church in said village of Cameron, either at public or private sale as to such trustees may seem best, and upon such payment or payments, and upon such terms of credit as such trustees may judge best; and when such trustees shall have received the money therefor, they are hereby authorized and empowered to apply said money as they are directed to do by the annual conference of said church; and upon such sale said trustees are hereby authorized and empowered to make, execute and deliver to the purchaser of such property, a deed conveying said property in fee simple, and such conveyance shall convey all the interest of said church therein to such purchaser.

SEC. 2. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 22, 1871.

## AN ACT

To amend section one of an act entitled "an act to authorize the commissioners of Hamilton, Clermont and Warren counties to build a free bridge across the Little Miami river at Loveland, Clermont county, Ohio," passed April 15, 1867.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said original section one be so amended as to read as follows:

Section 1. That the board of commissioners of Hamilton, Clermont and Warren counties are hereby authorized to build a free bridge across the Little Miami river at Loveland, Clermont county, Ohio, at a cost not exceeding forty-five thousand dollars, to be paid in such proportion as said commissioners may agree upon.

This act shall be in force on its passage, and said original section one is hereby repealed.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 22, 1871.

## AN ACT

To authorize the commissioners of Sandusky county to designate a limit in the Sandusky river, above which the laws for the protection of fish shall be in force.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Sandusky county, in this state, be and they are hereby authorized and empowered to designate, from time to time, and the same to change, a line across the Sandusky river, within said county, below the lower rapids thereof, above which line all the laws of this state for the protection or preservation of fish shall be in force.

SEC. 2. That after the designation of such line and ten days pertinent notice thereof, published in some newspaper published and in general circulation in said county, all provisions of the laws of this state for the preservation or protection of fish now or hereafter enacted, shall take effect and be in force over said river above such line.

SEC. 3. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 22, 1871.

## AN ACT

To authorize the auditor of state to inquire into the matter of an overcharge for the payment of taxation upon the property of the Girard Iron Company, of Trumbull county, and to order the refunding of taxes collected upon such overcharge.

WHEREAS, It is represented that the property of the Girard Iron Company, of the county of Trumbull, was, by mistake of the assessor, overcharged upon the duplicate to the amount of \$50,000, for the year 1867, and forty thousand for the year 1868, whereby great hardships and injustice were done; and,

WHEREAS, by misfortune, namely, the death of Hon. David Tod, who had the matter in his charge, the application for a reduction of such overcharge was not pressed to a determination until the duplicate for said years had been closed; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and he hereby is authorized to hear and determine the facts in the premises, and in case he shall find that an overcharge was made in such assessment, he shall order a remission of the same, and a refunding to the said Girard Iron Company of the amount collected upon such overcharge, which shall be paid in the same manner, and from the same sources, as though said order had been made before said duplicates had been closed; provided, that said refunding shall not exceed the sum of \$1,000.

SEC. 2. This act shall take effect and be in force from and after its passage.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To authorize the Commissioners of Franklin county to build a Bridge across the Scioto river, in said county, and to levy a tax for that purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Franklin county be and they are hereby authorized to locate and build a bridge across the Scioto river at or near Jones' mills, on the line of the Keller road, between Franklin and Norwich townships, in said county; and to levy a special tax for that purpose, not exceeding the one-fourth of one mill on the dollar of all the taxable property of said county for the year 1872, in addition to the other levies authorized by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To extend the time for payment for lots numbers 1, 2, 3, 4 and 5 in section sixteen, township one, range 6, M. R.'s, in Montgomery county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of five years from the 28th of May, 1871, be and is hereby given to the purchaser, Joseph H. Dryden, of lots numbers one, two, three, four and five of school lands in section sixteen, township one, range six, M. R.'s, in Montgomery county, Ohio, embracing four hundred and sixty-two acres and sixty-one one-hundredths, for the payment of the principal of the purchase money thereof not yet paid; provided, that the interest and taxes thereon shall be paid according to law, and that the auditor of said county shall require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.

SEC. 2. This act shall take effect upon its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To authorize the Trustees of Ashtabula township, Ashtabula county, Ohio, to purchase a Fair Ground, and to levy a tax for the payment thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Ashtabula, Ashtabula county, Ohio, be and they are hereby authorized to purchase, for a township fair ground and other township purposes, the tract of land now owned by the Union Driving Park Association, and comprising about seventeen acres of land, and to pay therefor a sum not exceeding fifty-five hundred dollars, and the same to be conveyed to the said township of Ashtabula, in fee simple.

SEC. 2. That for the purpose of paying for said land, and for that purpose only, the trustees of the said township of Ashtabula, Ashtabula county, Ohio, are hereby authorized and empowered to levy a tax upon all the taxable property of said township of Ashtabula, both real and personal, in the years 1871, 1872, 1873 and 1874, or either or both as they may determine, and the same to be certified by said trustees to the county auditor, by whom the same shall be entered upon the duplicate of said county and collected as other taxes; and the money so raised shall be paid over to the treasurer of said township of Ashtabula, to be paid out by him on the order of the township trustees, certified by the township clerk; provided, that before said trustees shall make said levy, they shall submit to the electors of said township at some regular or special township election, the question as to the expediency of making said purchase and levies, and of which said election, notice shall be given, as required by law for the election of township officers.

SEC. 3. At said election, the electors shall have written or printed or partly written or printed the words, "for fair grounds, yes," or "for fair grounds, no," and if a majority of all the electors of said township of Ashtabula, voting at said election, upon this question, shall vote, "for fair grounds, yes," this act shall thereupon be considered and holden to have been adopted by such majority.

SEC. 4. The township trustees of said township of Ashtabula, shall have full power and authority to lease said grounds for and to permit the same to be used as a fair ground.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To authorize the surrender of leases of Ministerial section number twenty-nine, in Cheshire township, Gallia county, Ohio, and to obtain deeds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the legal and equitable owners of the several leases and sub-leases

upon ministerial section number twenty-nine, in township number five, in range number fourteen, in the Ohio company's purchase, lying in Cheshire township, Gallia county, Ohio, are hereby authorized to surrender such leases and sub-leases, and become the purchasers of the tracts of land specified in such leases and sub-leases so surrendered, upon the terms and conditions specified in the act entitled "an act to regulate the sale of ministerial and school lands and the surrender of permanent leases thereto," passed April 16, 1852; provided, that said lessee shall not be required to comply with the provisions of section ten of the above recited act, but said leases and sub-leases may be surrendered and payment made for said lands upon the appraisement now existing thereon; and provided also, that one-fourth part of the purchase money for said land shall be paid at the time of the surrender of such lease, and each year thereafter one additional fourth part of such purchase money, together with interest at the rate of six per cent. per annum on the whole of the deferred payments shall be paid, until the whole of said purchase money shall be paid.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

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## AN ACT

To authorize the trustees of Jackson township, Brown county, Ohio, to levy a tax on the property of said township to pay money borrowed by Henry Prien, Jacob McColgin, Jacob Prien, Martin L. Dickson, and Michael Kuntz, for the purpose of procuring volunteers to fill the quota of said township, under the call of the President of the United States for 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Jackson township, Brown county, Ohio, be and they are hereby authorized to levy a tax on the property of said township, for the year A. D. 1871, sufficient to pay Henry Prien, James McColgin, Jacob Prien, Martin L. Dickson, and Michael Kuntz, or their legal representatives, the sum of seventeen hundred dollars, with interest from November 19, 1864, for money furnished by them to free the township from the draft in the said year 1864.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed April 26, 1871.

## AN ACT

To repeal an "Act to incorporate the Ohio Life and Insurance and Trust Company," passed February 12, 1834. (Ohio Laws, vol. 32, page 68.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above recited act be and the same is hereby repealed; provided, that all contracts heretofore made and liabilities incurred under the act hereby repealed, shall in nowise be affected by this repealing act.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 29, 1871.

## AN ACT

For the grading and widening of the National road in Franklin county, Ohio.

WHEREAS, The national road, extending east from High street, in the city of Columbus, Franklin county, Ohio, has, by the deposit of metal on the roadway thereof, the establishment of the grade for sidewalks and the construction of the street railroad thereon, been made unsuitable and dangerous for the convenient travel and passage of loaded wagons and other vehicles over and upon the same in many places; and,

WHEREAS, On that part of said road, east of the present city limits, to Montgomery street, many portions of said road are above grade, and other portions so narrow that wagons cannot conveniently pass; that the excavations of earth from that portion above grade will furnish material to fill and widen said road to its proper width, and thereby greatly conduce to the convenience of the traveling public; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the roadway of the national road as lies between High street, in said city, and Montgomery street east of said city, may, by the city of Columbus, or by private persons, whenever the council of said city shall so determine, be so graded as to conform to the grade of the pavement on said street, and that the road bed be so graded as to make the same, as near as practicable, of full width and grade with the adjoining land; and that all of said work be done under the supervision of the resident engineer of said road; provided, that no expense shall accrue to the state in the construction of said work; and provided further, that all the metal belonging to that part of said road as lies between High street, in said city, and Montgomery street, east of said city, be and is hereby reserved to the state; and said resident engineer of road said shall take charge of such metal and use the same in the repairs of said road outside of the limits of said city; and provided still further, that in making such grade, or laying of such Nicholson pavement, as provided for in section

two, and that Friend Street Railroad Company shall be saved harmless therefrom in consequence of such improvements, and shall not be unreasonably obstructed in the making of such improvement.

SEC. 2. That the city of Columbus is hereby authorized to lay down and construct a Nicholson or other pavement on said road bed within the present limits of said city, whenever it shall deem the same practicable and the public interests shall so require; the same to be done in the same manner as like improvements are made by said city.

SEC. 3. This act shall be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 29, 1871.

### AN ACT

Eor the relief of John N. Horner, treasurer of Adams township,  
Darke county, State of Ohio.

WHEREAS, It is claimed and made to appear that in the night of the 20th day of October, A. D. 1870, the store of Horner Brothers, at Adams township, Darke county, Ohio, was burglariously entered, and the safe therein, in which John N. Horner, treasurer of said township, had deposited township and school funds to the amount of two thousand four hundred and seventy-three dollars and thirty cents, was broken open and said sum stolen, and lost without fault of the said John N. Horner; and,

WHEREAS, A majority of the legal voters of said township have petitioned the general assembly, asking that said John N. Horner and his sureties be relieved from liability for said sum, and that the deficiency of funds caused by said theft be supplied by taxation on the property in said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of the township of Adams, in the county of Darke, in this state, are hereby authorized to submit to the qualified electors of said township, at a special election for the purpose by them ordered, after twenty days public notice, or at the next general October election, the question of levying a tax on the taxable property in said township, sufficient to raise the net sum of two thousand four hundred seventy-three dollars and thirty cents.

SEC. 2. That if a majority of all the votes cast at such election shall be in favor of said tax, such trustees shall levy such tax, and certify the same as other taxes. The same shall be by them applied to reimburse said John N. Horner, for such sums as he may have advanced of his own money to make good said loss, and supply such remaining deficiency in school and township funds as may then exist, and to release said John N. Horner and his sureties from all liability on his official bond, arising from such theft.

SEC. 3. This act shall take effect on its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 29, 1871.

## AN ACT

To authorize the commissioners of Richland county, Ohio, to transfer the railroad fund of said county to the county fund.

WHEREAS, There is now on hand five thousand eight hundred and ninety-two dollars and sixty-seven cents in the treasury of Richland county, Ohio, which was originally levied and collected for the payment of the bonds of said county issued for railroad purposes; and,

WHEREAS, All such bonds have been retired, leaving this unexpended balance of said fund; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Richland county, Ohio, are hereby authorized and empowered to transfer said sum of five thousand eight hundred and ninety-two dollars and sixty-seven cents, being the unexpended railroad fund, to the county fund of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 29, 1871.

## AN ACT

To authorize the creation of a separate school district in Perry township, Monroe county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory now comprised in sub district five (5), of Perry township, Monroe county, be and the same is hereby created and declared to constitute a separate school district; provided, that the debts of the board of education of said Perry township, incurred for the benefit of said district number five, now due and hereafter falling due, shall be assumed and paid by said special district; provided, however, that a majority of the electors residing in said district shall vote in favor of said separate school district and proceed to organize the same under the provisions of the act of April 9, 1867 (Swan & Sayler, page 717), except the limitation of the first section requiring a population of two hundred and seventy-five persons.

SEC. 2. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed April 29, 1871.

## AN ACT

To extend the time of payment for school lands in section sixteen, Springfield township, Lucas county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of five years from the day the respective installments become due, be and the same is hereby given to the purchasers of school section of land number sixteen, Springfield township, Lucas county, for the principal of the purchase money thereof; provided, that the interest and tax thereon shall be punctually paid according to law; and provided further, that the auditor of said county may at any time require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.

SEC. 2. This act shall take effect from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 29, 1871.

## AN ACT

To authorize the trustees of Hudson and Twinsburgh townships, Summit county, Ohio, to levy a tax for certain purposes mentioned therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the townships of Hudson and Twinsburgh, in Summit county, be and they are hereby authorized to levy and assess a tax, the amount of which to be by them determined, and submit the same to a vote as herein provided, for the purpose of building vaults or recepticle for the dead, and buying hearses for the use of their respective townships, to be under the control of the trustees or such person as they may appoint; provided, that the trustees shall first submit the question of tax or no tax for either of the above named purposes, to the qualified electors of their respective townships at a general election, having given at least twenty days notice of the same in at least three public places in their respective townships, which notice shall state the amount to be raised, and for what purpose.

SEC. 2. The electors voting at said election shall have written or printed upon their ballots the words "Tax for the purpose mentioned—Yes;" or "Tax for the purpose mentioned—No;" and if a majority of all electors voting at said election, upon either or all of the questions submitted shall vote, "Tax—Yes," this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To authorize Muskingum and Coshocton counties to locate and construct Turnpike Roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Muskingum and Coshocton counties, when they shall become satisfied that the public interests of their counties demand and justify special action for the improvement of the roads of said county, are hereby authorized and empowered to appoint three disinterested freeholders of their county as viewers, to view, survey and locate, within their said county, one or more main trunk roads, beginning at and leading from the county seat of said county, or such other and eligible points as may be deemed proper, and running by said direct and eligible route as they may find to be best for the public convenience, and terminating at any point within or at the county line.

SEC. 2. That the road established and constructed under this act, shall be opened not more than sixty feet wide, nor less than forty feet, and at least twenty feet in width shall be turnpiked with earth so as to drain freely to the sides, and raised with stone or gravel, not less than fourteen nor more than eighteen feet in width, nor less than twelve inches thick in the center, and not less than eight inches thick at the outer edge of such bed of stone or gravel, well compacted together in such manner as to secure a firm, even and substantial road; provided, the county commissioners may, in their discretion, cause said road to be constructed wholly of earth, when stone or gravel is not accessible to the line of said road. In no case shall the grade of ascent or descent on said road be greater than seven degrees, and the same shall be well provided with all necessary side drains, waste-ways and underdraining to prevent overflowing or washing by water, and with substantial bridges or culverts at all crossings of water courses.

SEC. 3. Said county commissioners shall have authority to authorize the viewers by them appointed, to call to their assistance a competent surveyor or engineer, or both, at their discretion, with the necessary and proper assistants, and to lay out, survey and locate such turnpike road through or upon any improved or unimproved lands on the best route between the points of beginning and termination, and to obtain by grant, or take propositions for the purchase from the owner or owners of land over which said road will pass, for such timber and other materials as may be necessary to the construction and repair of the same; but in no case shall the county make any compensation for the right of way, but such right shall be secured by those interested in such road; but to facilitate the securing of such right of way, the probate court shall, on application by the commissioners, appoint three disinterested freeholders, who shall, as viewers, assess and report the amount of damages in each case; said viewers may take into account the advantages and disadvantages to each piece of property. In case of compensation for materials, should the viewers and owners fail to agree as to the amount of compensation, or where the owner is unknown, non-resident or incapable of contracting, then the same shall be ascertained and adjusted by three freeholders appointed as in cases of right of way; and in locating such road, said commissioners may authorize the viewers by them appointed, to locate said road upon the whole or any part of any state, county or township road

heretofore laid out and established within said county, and to widen, alter, change or vacate the same or any part thereof, subject to the same rules as to compensation for property appropriated as aforesaid.

SEC. 4. That upon the location and establishment of any such turnpike road by the county commissioners, they shall be authorized, for the purpose of constructing the same, to levy annually, in addition to other road taxes authorized by law, a tax for turnpike road purposes, of not more than one mill on the dollar of valuation on the grand duplicate of taxable property in said county, and to continue such levy from year to year until any such road or roads which may have been commenced shall be completed; and for the purpose of raising the money necessary to meet the expenses of said improvements, the commissioners of said county are hereby authorized, if in their opinion the same be advisable, to issue the bonds of said county, payable at such times as they may deem advisable, with interest not exceeding seven per cent. per annum, payable semi annually; which bonds shall not be sold for less than their par value.

SEC. 5. Said commissioners shall cause to be kept by the county auditor, a full record of all the proceedings in the location, establishment and construction of said roads, together with accurate accounts of receipts and expenditures of money under the provisions of this act; and no money shall be drawn from the treasury except to pay liabilities already accrued, and then only in pursuance of orders caused by said commissioners whilst in session as a board, to be entered upon the record of their proceedings, and by orders drawn by the county auditor upon the county treasury in favor of the person or persons to whom such money is due.

SEC. 6. The work in the construction of such roads shall be by the county commissioners let publicly to the lowest responsible bidder, after due notice given of such letting by publication in one of the newspapers of general circulation in such county, or by hand-bills, or both; and for that purpose said commissioners shall cause the same to be divided into convenient sections, and each section numbered from the county seat, or other point named as the place of beginning toward the termination, and shall let the same by sections, with proper specifications of the various kinds of labor required on each section; and bidders shall be required to separately state their bids for each class of work in such manner as the commissioners shall provide, and each contractor shall be required to give bond and sufficient security for the performance of his contract, by bonds payable to said county commissioners for the use and benefit of said county, and with the necessary specifications and stipulations on the part of said contractor inserted therein. In all cases the construction of such roads shall commence at the point of beginning, and no payment for such work or materials shall be made except upon estimates made by the surveyor or engineer employed by the commissioners, and by him duly certified of work actually done or materials actually furnished, or both, and after reserving such per cent. as may be fixed by the parties to the contract, to guarantee performance of the same.

SEC. 7. When any such road or roads shall be constructed under the provisions of this act, it is hereby made the duty of the county commissioners to establish toll-gates thereon at such points and at such distances from each other as they shall deem best, and to fix such rates of toll as shall be adequate to keep such road or roads in good repair, and they shall have power to lease said toll-gates for a term of years, the

lessees giving bond and sufficient security, the same as provided in section six, the rental to be paid to the county commissioners quarterly, and by them duly expended in keeping said road or roads in repair.

SEC. 8. The said viewers, surveyor or engineer and their assistants, shall be entitled to receive such compensation for their services as the said county commissioners shall deem just and right.

SEC. 9. The county commissioners may, at their discretion, locate and grade one or more roads in their full length before piking any part thereof with stone or gravel.

SEC. 10. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

### AN ACT

For the relief of John Taylor, late Treasurer of Pebble township, Pike county, Ohio.

WHEREAS, On the 28th day of November, A. D. 1870, the dwelling house of John Taylor, of Pebble township, Pike county, Ohio, was damaged by fire by reason of the act of an incendiary, or an unavoidable accident, and the money then in the possession of said John Taylor, belonging to said township, amounting to the sum of one thousand four hundred and ninety dollars and sixty-four cents, was either stolen or burned; and,

WHEREAS, A large number of the citizens of said township have petitioned the general assembly of the state of Ohio, for the passage of an act for the relief of said John Taylor, and from said representations it appears that said loss was sustained without any default or negligence of said John Taylor; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of the township of Pebble, in the county of Pike, in this state, are hereby authorized and required to submit to the qualified electors of said township, at a special election for the purpose, to be by them ordered, at their next regular meeting after the passage of this act, giving twenty days' notice thereof, or at the next general October election, the question of levying a tax on the taxable property of said township, sufficient to raise the net sum of one thousand four hundred and ninety dollars and sixty-four cents.

SEC. 2. That if a majority of all the votes cast at such election shall be in favor of said tax, said trustees shall levy such tax, and certify the same as other taxes; the same shall be by them applied to relieve said John Taylor and his sureties for losses sustained as described in the preamble of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To provide for the levying of a tax in Mifflin township, Franklin county, to pay money borrowed by certain citizens of said township for the purpose of procuring volunteers to fill the quota of said township under the call of the President of the United States.

WHEREAS, Henry Ridenour, John H. Bender and John Kissinger were duly appointed a committee by the citizens of Mifflin township, Franklin county, in January, 1865, to procure volunteers to fill the quota of said township under the call of the President of the United States of February 19, 1864, and to raise, on behalf of said township, by loans and otherwise, funds necessary to that end; and,

WHEREAS, Said committee, acting under said authority, did on the 18th day of February, 1865, borrow of one David Hartz and give their individual obligations to him for the payment of the sum of \$800, for the purpose of paying bounties to volunteers procured by them to fill such quota, and did expend said sum, together with other funds borrowed, in payment of such volunteers, and thereby relieved said township of a draft; and

WHEREAS, Said committee in reporting the several sums borrowed and expended by them for said purpose to the proper authorities of said township, to be raised and paid by taxation on the taxable property thereof, by mistake and oversight did not report said sum and indebtedness of \$800, and had forgotten that the same existed until said Hartz presented his note therefor within the last year; and,

WHEREAS, More than a majority of the tax-payers of said township, representing the majority in value of the taxable property therein, have petitioned this general assembly for the passage of a law authorizing the levy of a tax upon said property for the payment of said sum of \$800 with interest, and to relieve said committee; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said Mifflin township, Franklin county, be and they are hereby authorized and required to levy upon the taxable property of said township for the year 1872, a tax sufficient to pay said note of eight hundred dollars and interest thereon at six per cent. since said 15th day of February, 1865, and cause the same to be applied to such purpose, and to no other; Provided, that before the levy of the tax aforesaid shall be made, the trustees shall submit to the electors of said township, at the election on the second Tuesday of October next, the question of "Tax" or "No tax," which shall be written or printed on the said ballots to be voted, and the trustees shall cause notice of such election to be posted in at least three public places in said township, and published in some newspaper of general circulation in said township, for three weeks before election, and also provide a separate ballot box for said election; and if a majority of electors voting at said election shall be in favor of said tax, and not otherwise, then the trustees shall levy the tax as hereinbefore provided.

SEC. 2. This act shall take effect on its passage.

A. J. CUNNINGHAM,  
Speaker of the House of Representatives.  
J. C. LEE,  
President of the Senate..

Passed May 1, 1871.

## AN ACT

To authorize the Trustees of Litchfield township, Medina county, Ohio, to borrow money for building a town hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Litchfield township, Medina county, Ohio, be and they are hereby authorized and empowered, for the purpose of building a town hall in said township, to borrow the sum of five thousand dollars, for the term of not to exceed five years, and at a rate of interest not to exceed eight per cent. per annum; and said trustees may issue their bonds for the payment of the money so borrowed, payable at such times, within said five years, as they shall deem best.

SEC. 2. For the purpose of paying said bonds, with the interest as the same may become due, the trustees of said township of Litchfield are hereby authorized and empowered to levy a tax upon all the taxable [property] of said township of Litchfield, both real and personal, at such times and in such amount as may be necessary, in the years 1871, 1872, 1873, 1874 and 1875, and the same to be certified by said trustees to the county auditor, by whom the same shall be entered upon the duplicate of said county, and collected as other taxes; and the money so raised shall be paid over to the treasurer of said township of Litchfield, to be paid out by him on the order of the township trustees, certified by the township clerk.

SEC. 3. The bonds authorized to be issued by this act shall be signed by the entire board of trustees, and attested by the township clerk, who shall also keep a record of the same.

SEC. 4. This act to take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To authorize the board of Education of the city of Youngstown, in the county of Mahoning, to borrow money and issue bonds to build a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Youngstown, Mahoning county, be and they are hereby authorized to borrow the sum of twenty-four thousand dollars for the purpose of erecting and furnishing an additional school house in said city.

SEC. 2. That for the purpose aforesaid, the said board of education are hereby authorized and empowered to issue bonds, to be signed by the president and attested by the secretary of said board, in sums not less than fifty nor more than five hundred dollars, bearing a rate of interest not exceeding eight per cent. per annum, and payable at such time or

times within ten years from the issue thereof as said board may determine; provided, that said bonds shall not be sold for less than their par value.

SEC. 3. The said board of education are hereby empowered to levy a tax, annually, on all the taxable property in their school district, sufficient to pay said bonds and interest as they shall become due, which levy shall be placed on the tax duplicate by the auditor of said county, and shall be collected as are other taxes.

SEC. 4. That said board of education shall, at any time they may deem best after the taking effect of this act, but before such bonds are issued, or tax levied, call a special election in said district, upon publishing notice thereof in each of the newspapers published in said city of Youngstown, for at least ten days prior to such election, which election shall be conducted as are elections of members of boards of education, and at which the question of tax or no tax shall be submitted to the qualified electors of said district, and in case a majority of said electors voting at such election shall vote for said tax, then said board of education shall proceed as by this act authorized; otherwise no such bonds shall be issued or tax levied.

SEC. 5. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To compensate George Roe for lands appropriated and used by the State in the construction of the Muskingum improvement.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of compensating George Roe for lands appropriated and used by the state in the construction of the Muskingum improvement in the village (now city) of Zanesville, the sum of twelve hundred and fifty dollars be and the same is hereby appropriated from the general revenue, to be paid upon the warrant of the auditor of state, the same to be refunded to the general revenue from the proceeds of the public works, as soon as the same shall be available for that purpose; provided, said sum of twelve hundred and fifty dollars shall be in full of all claims of said Roe for the lands upon which the canal was constructed, as well as for the ground rent of lands upon which the house for the lock tender was built and occupied until sold from said Roe, and all other claims whatever; and provided further, that said George Roe shall release all his rights to the lands upon which said canal and embankment are located.

SEC. 2. This act shall take effect and be in force from its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To authorize the county commissioners of Madison county, Ohio, to employ a superintendent and workmen to alter, repair and complete the Infirmary building in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Madison county, Ohio, are hereby authorized to employ a superintendent and workmen, by the day or otherwise, to alter, repair and complete the county infirmary building, now in course of construction in said county.

SEC. 2. This act to take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To change the name of the village of Pleasant Valley, in Madison county, to Plain City.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the village of Pleasant Valley, in Madison county, be changed to Plain City.

SEC. 2. This act to take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To authorize the board of education of Salt Creek township, Pickaway county, Ohio, to issue bonds to raise money to pay an existing debt incurred in procuring sites and erecting school houses, and to levy a tax to pay said bonds and their interest.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Salt Creek township, Pickaway county, be and they are hereby authorized to issue bonds to an amount not to exceed ten thousand dollars, to raise money to pay a debt incurred in procuring sites and building school houses in said township; said bonds to be signed by the president and clerk of said board of education, and to be in sums of not less than one hundred dollars nor more than five

hundred dollars each, bearing interest at a rate not to exceed eight per centum per annum, payable annually, and the principal of said bonds may be paid at any time not exceeding six years from the time of issuing the same, at the discretion of said board; provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon as the same shall become due, the said board of education is hereby authorized to levy a tax annually on all the property liable to be taxed for said purpose, and certify the tax so levied to the auditor of Pickaway county, who shall place the same on the duplicate and collect as other school taxes are collected, and pay the same to the treasurer of the proper township, to be expended for the purpose for which it was levied; provided, that no such levy shall be made, or bonds issued, as herein authorized, unless the majority of the qualified electors of said township of Salt Creek, in said Pickaway county, shall vote in favor of such taxation, and the issue of such bonds, at the first regular state election after the passage of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

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#### AN ACT

Supplementary to and amendatory of an act entitled "An act to amend an act entitled an act to amend the act entitled an act to create and establish a common school fund in part of the county of Warren, composed of the Virginia Military District," passed February 20, 1831; passed April 30, 1868. (65 O. L., 259.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the superintendent, whose election is provided for in the second section of the act to which this act is supplementary, shall hold his office for the term of two years from the first Monday of December succeeding his election, and until his successor shall be elected and qualified, and the superintendent now in office shall continue to serve until his successor shall be elected and qualified.

SEC. 2. That sections three, six and ten of the above entitled act be so amended as to read as follows:

Section 3. That the said superintendent shall have the management of said school fund, and shall loan the same in sums of not less than one hundred nor more than one thousand dollars, for periods of not less than one year nor more than two years, at such rate of interest not less than six per centum per annum, as he shall deem expedient, which interest shall be payable in semi-annual installments, on the first day of February and the first day of August, in each year; such loans to be secured by mortgage on real estate, free from all incumbrance, situate in Warren county; and

on the failure of any party to pay the interest on any of said funds loaned to him, for thirty days after such interest shall become due, the principal of the loan shall become due and payable.

Section 6. That it shall be the duty of said superintendent, on or before the fifteenth day of February and tenth day of August, in each year, to pay into the treasury of said county the interest on said fund then in his hands, and to take duplicate receipts of the treasurer therefor, one of which he shall forthwith file with the auditor of said county. On the filing of such receipt, said auditor shall forthwith apportion the amount of said receipt to the several township, village and separate school districts within said county situate in whole or in part in said military district, according to the enumeration of youth of school age therein entitled to share in said fund, and shall forward to the clerks and treasurers of such districts a statement of the amount due to each respectively, under such apportionment; and the amount due to the several districts shall be paid to their respective treasurers by the county treasurer on the order of the county auditor as provided by law for other school funds.

Section 10. It shall be the duty of the superintendent, at the expiration of his term of service, to deliver to his successor in office all books, papers, vouchers, moneys and effects that may be in his hands belonging or pertaining to said funds; and said superintendent shall, as the entire compensation for his services for each year, be allowed to retain out of the proceeds of said fund, the sum of one hundred and fifty dollars, and two per centum on the amount of interest by him collected and paid into the county treasury as in this act provided.

SEC. 3. That it shall be the duty of said superintendent to so loan moneys belonging to said fund and to effect such changes in existing loans thereof, that the interest thereon may be collected and paid into the county treasury in accordance with the provisions of section six of said act as above amended, and until existing loans shall be changed as aforesaid, he shall collect the interest thereon when due, and forthwith pay the same into the county treasury in the mode provided in said amended section, and the auditor shall thereupon, as soon as practicable, distribute said interest as provided in said section.

SEC. 4. That said original sections three, six and ten are hereby repealed; and this act shall be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 1, 1871.

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## AN ACT

To authorize the levy of a tax by the Council of the incorporated village of Franklin, Warren county, Ohio, to be used in protecting the east bank of the Great Miami River in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Franklin, in Warren county, Ohio, be and they are hereby authorized, in addition to the taxes

they are now or may be for the time being authorized by law to levy, to levy a tax on all property subject to taxation for the purposes of said village, at such rate as may be necessary to raise the sum of three thousand dollars, to be collected as are other taxes levied by said council, and when collected to be expended in such manner as said council may direct in protecting so much of the east bank of the Great Miami River, as lies within the limits of said incorporated village.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

### AN ACT

To provide for deficiencies in the general county current fund of Scioto county.

WHEREAS, It appears that the revenue derived from the levies heretofore authorized by law to be assessed in said county of Scioto for general county purposes, have proved inadequate to meet the demands thereon, so that a deficit has arisen in said funds, in said county, amounting, as estimated and ascertained, to twenty thousand dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of said county of Scioto are hereby authorized to levy upon the taxable property of the grand duplicate of said county, for each of the years 1871 and 1872, in addition to the amount otherwise authorized by law to be levied for such purpose, such further per centum as may upon computation be found necessary to discharge and supply one-half of said deficit or indebtedness for general county current expenses, not exceeding in either of said years one mill on each dollar of valuation on the duplicate; and the money arising from the levy hereby authorized shall be applied to the payment of the indebtedness arising out of or included in said deficit, and to no other purpose whatever; provided, however, that it shall be the duty of the auditor of said county, upon the passage and taking effect of this act, to carefully inspect the vouchers and orders of the commissioners upon which the liabilities included in said deficit have arisen, and make an itemized list of all expenditures made and paid out of funds other than the general county current funds, for county current purposes, as well as all liabilities of said fund to other funds arising out of transfers made from such other funds to it and used for county current purposes; and it shall be his further duty to reimburse all such sums, so used or transferred as aforesaid, by transfer to the funds from which they may have been taken, out of the first moneys coming into the treasury from the special taxes herein authorized, and to apply the residue thereof to the payment of the other liabilities of said county current fund, and to no other purpose whatever.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To authorize the commissioners of Hamilton county to levy a tax for opening, grading and completing an avenue known as Columbia Avenue, extending from Martin street, in the city of Cincinnati, to Crawfish creek.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county, in addition to their other powers of taxation, be and they are hereby authorized to assess and collect upon the grand levy of the taxable property of said county a tax not exceeding three-fifths of a mill on the dollar, of which not more than one-fifth of a mill shall be assessed in any one year, to be applied to the opening, grading and completing of an avenue extending from Martin street to Crawfish creek and known as Columbia avenue, running through the seventeenth ward; provided that said Columbia avenue shall be established, opened, graded and completed in accordance with the route surveyed and recommended by the majority of the engineers employed by the common council of Cincinnati to survey and report upon the several routes proposed for said Columbia avenue, from Torrence road to its western terminus; and provided further, that so much of said tax as shall be expended on that portion of said avenue situated within the corporate limits of said city shall be expended by and under the direction of the board of city improvements of said city; and provided further, that the fund raised from said levy shall not be diverted from the object for which this levy is authorized, or transferred to the credit of any other fund, or used for any other purpose whatever; provided, that no such assessment as is provided for in this act shall be so levied or collected until the right of way for said avenue shall be first secured without any cost or expense to the city or county whatsoever, to the satisfaction of the county commissioners and board of city improvements.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

## AN ACT

To enable the board of education of Worthington school district, in Sharon township, Franklin county, to submit to the qualified voters thereof, the question of levying a tax to purchase a site and build a school house in said school district.

WHEREAS, The board of education of Worthington school district, in Sharon township, Franklin county, deem it expedient to purchase a site, and erect a school house thereon, for the better accommodation of the scholars of said school district, and are of opinion that the necessities of the schools therein require the immediate purchase of said site, and the erection of said school house; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said board of education be and they are hereby authorized to submit to the qualified voters of said school district, the question of levying

a tax for said purposes, not exceeding in amount the sum of six thousand dollars.

SEC. 2. That if a majority of the qualified voters of said school district shall vote in favor of said tax, said board of education shall certify the same to the auditor of Franklin county, who shall place one-fourth of said amount upon the tax duplicate of the real and personal property of said school district for the year 1871, and one-fourth every year thereafter, until said sum of money shall be fully realized from said levy, which tax shall be collected by the treasurer of said county in the same manner as other taxes are collected by him.

SEC. 3. That upon the faith of said levy and in anticipation of the money to be realized therefrom, said board of education are hereby authorized to borrow money and issue notes or bonds in the name of said board of education, at a rate of interest not exceeding eight per centum per annum, payable semi-annually, and for such sums and payable at such times as said board may think advisable, and they are hereby authorized to proceed immediately to purchase said school site, and erect said school house thereon.

SEC. 4. That said board of education are hereby authorized to fix the time and place of holding said election, and the manner of submitting said question to the voters of said school district, which election shall be conducted in all respects as elections for members of the board of education are now conducted.

SEC. 5. This act shall be in force from its passage.

J. R. COCKERILL,  
*Speaker pro tem. of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed May 1, 1871.

## AN ACT

To authorize the commissioners of Hamilton county to aid in the construction of a Bridge across the White Water river, near the village of Harrison, in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Hamilton county be and they are hereby authorized to appropriate a sufficient sum from the bridge fund of said county, to aid in the construction of a bridge across the White Water river, near the village of Harrison, in said county, and near the Indiana state line; provided, that the commissioners of Dearborn county, state of Indiana, shall expend an equal sum in money, to aid in the construction of said bridge.

SEC. 2. This act shall take effect and be in force from and after its passage.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Passed May 2, 1871.

## AN ACT

To amend section one of an act to authorize the commissioners of Montgomery county to erect a building to contain court rooms, county offices, and for other purposes, passed and took effect February 10, 1870. (O. L., vol. 67, page 117.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "an act to authorize the commissioners of Montgomery county to erect a building to contain court rooms, county offices, and for other purposes," passed February 10, 1870, be so amended as to read as follows:

Section 1. That the commissioners of Montgomery county be, and they are hereby empowered to erect a building of such dimensions as they may deem best for the interests of the county, upon the lot next north of the court house in the city of Dayton, to contain court rooms, business rooms, halls and offices, at a cost not to exceed one hundred thousand dollars.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Passed May 2, 1871.

## AN ACT

To authorize the Board of Education of the incorporated village of Marysville, Union county, to transfer a fund herein named to the fund for building a school house in said incorporated village.

WHEREAS, There was a tax levied on the taxable property of the incorporated village of Marysville, Union county, by the board of education of said village, for the purpose of building an addition to the present school house located in the westerly portion of said village, and since the levy of said taxes as aforesaid assessed and collected, the citizens of said village of Marysville have determined to build a school building in the easterly portion of said village; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Marysville, Union county, be and they are hereby authorized to transfer the moneys collected, or ordered to be collected by the board of education of said incorporated village of Marysville Union county, for the purpose of building an addition to the school house situate in said village, to the fund for building a school house in the easterly portion of said village.

SEC. 2. This act take shall effect from and be in force from and after its passage.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives,*

J. C. LEE,

*President of the Senate.*

Passed May 2, 1871.

# JOINT RESOLUTIONS.

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## JOINT RESOLUTION

Providing for supplying the deficiency of Ohio and Ohio State Reports, for the use of the courts.

WHEREAS, Several counties of this State are not supplied with the Ohio and Ohio State Reports for the use of the courts—

*Resolved, by the General Assembly of the State of Ohio, That the Secretary of State is hereby required to ascertain the number of volumes of each of said reports required to supply the deficiency, and report the same to this General Assembly at its adjourned session.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted January 3d, 1871.

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## JOINT RESOLUTION

Instructing the Senators and requesting the Representatives in Congress from Ohio, to secure an appropriation for the completion of the Louisville Canal.

WHEREAS, The industrial and commercial interests of Ohio, and the other states drained by the Ohio river, are being impaired by the non-completion of the Louisville Canal, inasmuch that steamboat men will not build boats for the present capacity of the canal, while it is so near its completion for larger boats; and,

WHEREAS, The growing commerce of the country requires the full capacity of boats of the largest class, which the canal when enlarged will pass; and,

WHEREAS, The railroad bridge at Louisville, is an obstruction to the safe passage of boats over the falls of the Ohio, and therefore the completion of the canal is made more necessary; and,

WHEREAS, The rapidly growing trade of the cotton states, requires not only the railroads constructed and perfected, but also the water communication which nature has provided; and,

WHEREAS, The Louisville Canal is so nearly completed, that a comparatively small amount of money, and six months of time will make it available for the urgent demands of commerce; therefore, be it

*Resolved by the General Assembly of the State of Ohio, That Congress be, and is hereby earnestly requested to forthwith make the necessary appropriation to complete the Louisville Canal, at the earliest possible date.*

*Resolved, That the Senators of Ohio be instructed, and the Representatives in Congress be requested to give this matter their special attention, until the required appropriation is secured.*

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted January 12, 1871.

### JOINT RESOLUTION

To authorize the Trustees of the Water Works of the city of Columbus, to excavate trenches on the State House grounds.

*Resolved by the General Assembly of the State of Ohio, That the trustees of water works, of the city of Columbus, be and they are hereby authorized and empowered to excavate trenches across the public square in front of the capitol, and lay the necessary pipes and fixtures for the extension of the water works of said city; and, when necessary hereafter, to enter thereon, and make the requisite excavations for keeping such pipes and fixtures in good order and repair; provided, that the same shall be done under the direction and inspection of the person having charge of the state house; and, provided further, that the surface of the ground, so occupied by said trenches, be placed in its present condition as near as may be, when the same is completed.*

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Adopted January 16, 1871.

### JOINT RESOLUTION

Providing for a joint convention to canvass votes for state officers at the October election, 1870.

*Resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly meet in joint convention, in the hall of the house of representatives, on Thursday, January 5th, at 11 o'clock A. M., for the purpose of counting the votes for state officers, at the election held on October 11th, 1870.*

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted January 13th, 1871.

## JOINT RESOLUTION

Providing for the appointment of a joint committee to wait upon the Governor and inform him that the General Assembly is in session, and ready to receive any communication he may have to transmit.

*Resolved by the General Assembly of the State of Ohio, That a committee of two on part of the senate, and three on the part of the house, be appointed to wait upon the governor, and inform him that this general assembly is now organized and ready to receive any communication he may have to make.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted January 13th, 1871.

## JOINT RESOLUTION

Requiring the Commissioner of Railroads to report certain information.

*Resolved by the General Assembly of the State of Ohio, That the commissioner of railroads be, and is hereby required to report to the senate and house, at the earliest moment, the railroad or railroads, if any there be, owning or operating railroads in the state of Ohio, failing to comply with the conditions of their charters and the statutes of the state, governing and controlling the constructing and operating of railroads in said state of Ohio.*

J. R. COCKERILL,  
*Speaker pro tem. of the House of Representatives.*  
 SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Adopted January 19, 1871.

## JOINT RESOLUTION

Providing for the appointment of a joint select committee to visit the grave of ex-president Harrison, and ascertain its condition, and report as to the expediency of accepting the same as a donation to the state.

WHEREAS, It is said the heirs of the late William H. Harrison, desire to donate to this state, the historic spot where rest his remains and,

WHEREAS, It is deemed eminently proper that such donation should be accepted by the state, that the same may be properly marked and improved as the last resting place of one, on whom, as a citizen, soldier and statesman, the nation has bestowed its highest honors; therefore,

*Resolved by the Senate and House of Representatives of the State of Ohio,*  
That a committee of three on the part of the house, and two on the part  
of the senate, be appointed to visit the grave of the said William H.  
Harrison, and ascertain the condition of the same, and report to the two  
houses, the condition thereof; and to report by bill or otherwise, as to  
the expediency of accepting and taking control of said donation.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Adopted January 20, 1871.

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### JOINT RESOLUTION

Providing for the appointment of a joint select committee to report  
as to the propriety of erecting a suitable monument to the memory  
of the late General Thomas L. Hamer, at the expense of the state.

WHEREAS, General Thomas L. Hamer, one of Ohio's most gifted sons,  
lost his life while defending our flag upon a foreign soil; and,

WHEREAS, Not one of his children is now alive; and,

WHEREAS, In consequence of the expectation that the state would  
erect a suitable monument to his memory, no stone now marks his rest-  
ing place; therefore,

*Resolved,* That a committee of five on the part of the House, and three  
on the part of the Senate, be appointed to report as to the propriety of  
the erection of a suitable monument at the expense of the state.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Adopted January 20, 1871.

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### JOINT RESOLUTION

Respecting the division of the State of Ohio into three Judicial  
Districts.

WHEREAS, A bill is pending in the House of Representatives of the  
congress of the United States, reported by the Judiciary Committee, di-  
viding the state of Ohio into three judicial districts, as follows, to-wit:  
the counties of Columbiana, Jefferson, Carroll, Stark, Wayne, Ashland,  
Richland, Crawford, Wyandot, Hancock, Putnam and Paulding, together  
with all that part of the state lying north of said counties, composing the  
northern district; the counties of Preble, Montgomery, Warren, Clinton,  
Fayette, Ross, Vinton and Meigs, together with all that part of said state  
lying south of said last mentioned counties, composing the southern dis-  
trict; and all the residue of the state composing the middle district, and

providing that courts for said northern district shall be held at Cleveland and Toledo, for said southern district at Cincinnati, and for said middle district at Columbus and Marietta; and,

WHEREAS, The convenience of the people of the state who have business in the federal courts will be best subserved by said division; and,

WHEREAS, The diversity and magnitude of the interests and territorial extent of the state of Ohio, demand with greater reason said division than other states in which Congress has heretofore increased the number of judicial districts and established several places for holding the federal courts; therefore,

*Resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to vote and use their influence for the passage of the bill dividing the state into three judicial districts.*

*Resolved, That the Governor be requested to forward immediately a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Adopted January 20, 1871.

## JOINT RESOLUTION

Accepting the "Lincoln and Soldiers' Memorial," presented to the State by the Ohio Monumental Association, and providing for placing the same in the rotunda of the Capitol.

*Be it resolved by the General Assembly of the State of Ohio, That the monument known as the "Lincoln and Soldiers' Memorial," executed by T. D. Jones, sculptor for the Ohio Monumental Association, and by that association presented to the state, be and the same is hereby accepted, and the Governor is authorized, and is hereby respectfully requested to place the same in the rotunda of the Capitol, in such one of the niches therein prepared for painting or statuary as he may select, without displacing any other work of art already provided to be placed in said rotunda.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Adopted January 31, 1871.

## JOINT RESOLUTION

Respecting the death of and funeral arrangements for the Hon. Garretson I. Young, Representative from Columbiana county.

*Resolved by the General Assembly of the State of Ohio*, That the sudden and unexpected death of the Hon. Garretson I. Young, member of the House of Representatives from Columbiana county, calls for such action of the General Assembly as shall testify to our esteem for the man, as well as respect for the position he occupied.

2d. That meeting death as did the deceased at the post of duty, the state properly assumes the charge and expense of transmitting his remains to his late residence at New Lisbon, Ohio.

3d. That six members of the House and three Senators be selected as pall-bearers to take charge of and accompany the deceased, they to select one of their number to take the chief direction.

4th. That nine gentlemen of the House and two Senators, with the Speaker, attended by the Sergeant-at-arms of the House, be selected as a committee of escort to the funeral cortege.

5th. That the Hall of the House be draped in mourning and the flags lowered at half-mast for the period of thirty days.

6th. That the two houses will adjourn, and in a body accompany the cortege to the depot and await the departure of the train; also, that the Governor and other state officers, together with the members of the State Board of Equalization and clergy of the city, be requested to take place in the procession.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed January 31, 1871.

## JOINT RESOLUTION

Instructing the Senators and requesting the Representatives in Congress from Ohio, to oppose the sale of the United States Arsenal, at Columbus, Ohio.

WHEREAS, It is proposed in the congress of the United States to sell the arsenal at Columbus, Ohio, belonging to the federal government; and,

WHEREAS, In the opinion of the general assembly, the interests of the federal government and the wishes of the people of Ohio, will be best subserved by the maintenance of said arsenal as formerly; therefore,

*Be it resolved by the General Assembly of the State of Ohio*, That our senators in congress be instructed, and the representatives from Ohio, in that body, be requested to use all proper means to defeat said proposition, and to secure the maintenance of said arsenal as hitherto, and where it is now located.

*Resolved*, That the governor be requested to forward a copy of the foregoing preamble, and of these resolutions to our senators and representatives in congress, at his earliest convenience.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Adopted January 31, 1871.

## JOINT RESOLUTION

Relative to printing the Report of the Geological Corps of Ohio, for the year 1869.

*Resolved by the General Assembly of the State of Ohio*, That the supervisor of public printing be directed to procure the printing of the report of the geological corps of Ohio, for the year 1869, in the best style, on pica type in large octavo form, on heavy white or tinted paper and bound in muslin; provided however, that nothing in the foregoing resolution shall be construed to direct or authorize, or direct any other or further printing, than the edition of said report heretofore caused by said supervisor to be printed and bound in muslin, under the supposition that this resolution had been passed at the first session of this general assembly.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Adopted January 31, 1871.

## JOINT RESOLUTION

Providing for the Binding of the Report of the Commissioner of Railroads and Telegraphs for 1870, in law leather.

WHEREAS, The first volume of the annual report of the commissioner of railroads and telegraphs, for 1870, now being printed, contains the constitutional provisions, general laws and special charters governing the railroad companies of Ohio, together with much other valuable information worthy of careful preservation; and,

WHEREAS, Six hundred copies of the second volume of said report, containing railroad and telegraph statistics, recommendations of the commissioner, etc., are now provided by law to be bound in cloth, and leather binding is no more expensive, and is much more durable than said cloth binding; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the supervisor of public printing, be authorized to have the full edition of said first volume bound in good law leather and suitably lettered on the back.

*Resolved*, That said six hundred copies of said second volume provided by law, to be bound in cloth, be also bound in said law leather.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Adopted January 31, 1871.

## JOINT RESOLUTION

Requesting our Senators and Representatives in Congress to oppose all further grants of the public lands to railroad or other corporations.

*Resolved by the General Assembly of the State of Ohio,* That land monopoly is one of the great evils of our country, and against the spirit of our institutions, and especially it is impolitic to place large tracts of the public domain under the control of railroad or other corporations:

1st. Because it destroys in effect the benefits of the homestead law, driving those who would avail themselves of its beneficent provisions away from the lines of travel into the wilderness.

2d. It gives undue power to such corporations, enabling them to oppress the laboring and producing classes of our people, and prevent or retard the settlement and cultivation of our public lands.

3d. If the policy of Congress, inaugurated as far back in the history of the government as the location and construction of the Illinois Central railroad, and continued through all administrations down to the present, is not changed, the public lands (which are the property of the people) will nearly all be under the control of mammoth corporations, which are already too powerful, and may become a source of danger to a free people.

*Resolved,* That the grants of public lands to corporations ought to be discontinued, and the whole of such lands ought to be held as a sacred trust, to secure homesteads for actual settlers, and for no other purpose, and that our Senators and Representatives in Congress be requested to oppose all further grants of public lands to railroad or other corporations.

*Resolved,* That the proper policy in regard to land grants to railroad and other private corporations, is indicated in the last annual message of President Grant to congress, and that the same is hereby commended and endorsed.

*Resolved,* That the governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in the Congress of the United States, and to the President.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 SAM'L. F. HUNT,  
*President pro tem. of the Senate.*

Adopted February 6th, 1871.

## JOINT RESOLUTION

Providing for a joint committee to investigate certain charges alleged against the steward of the Ohio Penitentiary.

WHEREAS, It has been alleged and charged by divers persons that gross wrong has been and is being done by the steward of the Ohio Penitentiary, in making contracts for the supply of meats for the use of the convicts therein; therefore be it

*Resolved by the General Assembly of the State of Ohio, That a joint committee, consisting of three on the part of the House, and two on the part of the Senate, be appointed to investigate said charges, with authority to send for persons and papers, and to swear and examine witnesses, and to report by bill or otherwise at their earliest convenience.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted February 9, 1871.

### JOINT RESOLUTION

Authorizing the Attorney General to employ assistant counsel in the prosecution of the proceedings against the Pittsburgh, Ft. Wayne and Chicago Railway Company.

*Resolved by the General Assembly of the State of Ohio, That the Attorney General be and is hereby authorized to employ assistant counsel to assist the prosecution in the matter of proceedings, in the nature of quo warranto, to final judgment, against the Pittsburgh, Fort Wayne and Chicago Railway Company, in pursuance of an order had under House Resolution No. 66.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted February 18, 1871.

### JOINT RESOLUTION

Providing for the printing, binding and distribution of twelve thousand additional copies of the report of the Geological Corps of Ohio, for 1869.

*Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be directed to procure immediately the printing and binding of ten thousand additional copies of the report of the geological corps of Ohio, for the year 1869, and two thousand copies in German to be printed, the same cuts or engravings to be used as those of the edition in English, and bound in cloth; fifty copies for the use of the governor, fifty for the state library, and the rest for the general assembly.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted February 18, 1871.

## JOINT RESOLUTION

Relative to the construction and maintenance of the Wabash and Erie Canal, within the states of Indiana and Ohio.

WHEREAS, By an act of the congress of the United States, approved May 24, 1824, the state of Indiana was authorized to survey and mark through the public lands of the United States, the route of a canal by which to connect the navigation of the rivers Wabash and Miami of Lake Erie, in which it was declared that ninety feet of land on each side of said canal should be reserved from sale on the part of the United States, and the use thereof forever be vested in the said state of Indiana for a canal, and for no other purpose whatever; and,

WHEREAS, By another act of the congress of the United States, approved on the second day of March, 1827, there was granted to said state of Indiana a quantity of land equal to one half of five sections in width on each side of said canal, to aid said state in building the same and thereby uniting the navigable waters of the Wabash river with those of Lake Erie, which grant was accepted by said state, upon the terms and conditions therein specified, among which were that said canal when completed, should be and remain forever a public highway; and,

WHEREAS, A portion of the line of said canal necessarily extended into the state of Ohio, and by another act of congress, approved May 24, 1828, the state of Indiana was authorized to convey and relinquish to the state of Ohio the right and interest granted to said state of Indiana, to any lands within the limits of the state of Ohio, granted to said state of Indiana by the act of March 2, 1827, aforesaid; and,

WHEREAS, On the third day of October, 1829, Jeremiah Sullivan, of the state of Indiana, and Wyllys Silliman, of the state of Ohio, as commissioners, duly appointed for the purpose by their respective states, did enter into an agreement as such commissioners, subject to rejection, or such alterations and modifications as might thereafter be mutually agreed upon by the legislatures of said states, by which it was provided that the said state of Indiana should cede that portion of the land grant before referred to, which was within the limits of the state of Ohio to said state, upon condition that the state of Ohio would commence the construction of so much of said canal as lies within her limits within five years from the first day of January, 1830, and complete the same within fifteen years thereafter, the said state of Indiana agreeing in like manner to complete the portion of said canal lying within her limits within fifteen years from said first day of January, 1830; and said canal when completed, to be open to navigation, not only to the citizens of said states of Indiana and Ohio upon terms of equality, but to citizens of other states upon the same terms, which agreement was declared to be perpetual between the states of Indiana and Ohio; and,

WHEREAS, The general assembly of the state of Ohio, by joint resolution, adopted January 27, 1834, advised the said state of Indiana that the state of Ohio was willing to accept from said state of Indiana a conveyance and relinquishment of the lands aforesaid upon conditions set forth in the preamble attached thereto, whereupon, to wit: On the first day of February, 1834, the general assembly of said state of Indiana, by joint resolution on that day approved, and with a view as declared in the preamble to the same, of promoting the interests and prosperity of the citizens of Ohio and Indiana, did resolve as follows:

*Resolved by the General Assembly of the State of Indiana, That in consideration of the following terms and conditions to be performed by the state of Ohio, to wit:*

First. The state of Ohio to construct and keep in repair a canal from the intersection of the Wabash and Erie canal with the state line dividing Indiana and Ohio, to a point as low down the Maumee river towards lake Erie as the towns of Maumee and Perrysburg, the dimensions of which shall not be less in width at the top water line than forty feet, and of a capacity not less than four feet water; the locks and aqueducts to be constructed of sufficient dimensions to admit the passage of as large boats as can be passed in similar structures on that part of the Wabash and Erie canal which lies in Indiana, the said canal when completed, to be and forever remain a public highway for the use of the government of the United States, free from any toll or other charge whatever, for any property of the United States or persons in their service, passing through the same.

Second. The state of Ohio to charge no higher toll to citizens of Indiana or other persons passing on or transporting freights on said canal than shall be charged to or paid by the citizens of Ohio, nor higher rates of toll than shall be charged on the principal canals in Ohio.

Third. The state of Ohio to complete said portion of the Wabash and Erie canal on or before the second of March, 1847, and to undertake the performance to the general government of all the stipulations and conditions required by the aforesaid act of congress, approved the second day of March, 1827, which the state of Indiana would have been held and bound in good faith to perform, provided she had constructed this part of the canal in the state of Ohio, and have selected and appropriated to her own use the lands which are herein transferred and relinquished.

Fourth and lastly. The state of Ohio by her official act to accept of the terms and conditions of this transfer and conveyance of said lands, and communicate the same to the governor of this state on or before the 31st day of March next.

The state of Indiana doth hereby grant, quit claim, relinquish and convey to the state of Ohio all her right, title and interest in and to all the lands lying and being situated in the state of Ohio, which the said state of Indiana derived by or in virtue of, through or from the act of congress, entitled an act to grant a certain quantity of land to the state of Indiana, for the purpose of aiding said state in the opening of a canal to connect the waters of the Wabash river with those of lake Erie, approved March 2, 1827, and hereby authorize the state of Ohio to receive from the general government the lands aforesaid, and to select the same according to the provisions of said act of congress, in as full right and manner as if the said canal was to be constructed by the state of Indiana, and the lands selected and set apart by her authority. And

WHEREAS, The said joint resolution of the general assembly of said state of Indiana, of February 1, 1834, was duly communicated to the general assembly of the state of Ohio, and on consideration of the same, said general assembly did, on the 24th of day of February, 1834, adopt the following joint resolution, first reciting and setting out in full in a preamble to the same, the terms and conditions of the cession, as embraced in said joint resolution of the general assembly of the state of Indiana, of February 1, 1834, to wit:

*Resolved by the General Assembly of the State of Ohio, That in consideration of the relinquishment, transfer and conveyance by the state of Indiana*

to the state of Ohio of said lands lying in the state of Ohio, granted by congress to the state of Indiana by the act of the second of March, 1837, to aid said state in opening a canal to unite at navigable points the waters of the Wabash river and those of lake Erie, the state of Ohio agrees to and accepts the relinquishment, transfer and conveyance of said land, on the terms and conditions on which said relinquishments, transfer and conveyance are made, and accepts all and singular the terms and conditions of said resolution, as contained in the first, second, third and fourth articles or sections of said resolution, and hereby pledges herself to the performance thereof fully and to all intents and purposes as the same are therein contained and expressed; and,

WHEREAS, The state of Ohio did construct that portion of said canal lying within her limits within the time prescribed, in all respects making the same equal to the requirements of said joint resolution of February 1, 1834, and ever since has maintained said canal in good navigable order, and held it subject to the use of the government of the United States as a public highway, free from any tolls or other charges whatever for any property of the United States or persons in their service passing through the same, and at all times has permitted the citizens of Indiana and all other persons passing on or transporting freights on said canal, to do so in respect to tolls and all other privileges on the same terms accorded to citizens of Ohio, and at a rate of toll no higher than was charged on the principal canals in Ohio; and,

WHEREAS, In the building of said canal the state of Ohio expended a large amount of money over and above the proceeds arising from the sale of the lands conveyed to her by the state of Indiana, looking to be reimbursed for the original expenditures and for means for the future support and maintenance of said canal, to the tolls derived from the commerce which it was expected would grow up and be maintained on said canal from and to points within the state of Indiana and Lake Erie; it being well understood between the parties that said state of Indiana was in like manner to construct and maintain in good navigable order, from the line dividing said states, into the interior of said state of Indiana, as far as she accepted and received the grant of land under the act of March 2, 1827, a canal in all respects equal to that portion of said canal within the state of Ohio, as prescribed in the first section or article of the joint resolution of said state of Indiana, of February 1, 1834; and,

WHEREAS, It appears that by subsequent action of the state of Indiana, that portion of said Wabash and Erie canal within the limits of said state, together with its tolls, revenues, profits and appurtenances, has been conveyed in trust, as a fund to pay the obligations due to certain bondholders of said state of Indiana, and said canal has been turned over to the management of a board of trustees created for that purpose, who in turn have leased said canal to a private company, by whom it is now operated and managed, without, as it is believed, any official oversight or control on the part of said state being exercised over said canal or its management; and,

WHEREAS, That portion of the Wabash and Erie canal lying between Terre Haute and the Ohio river at Evansville, in Indiana, has already been abandoned, and portions of said canal for some distance above Terre Haute are not now, and for some time past have not been in good navigable order, and in the present condition of said canal between Terre Haute and the line dividing the states of Ohio and Indiana, it is believed that the tolls and other sources of revenue are insufficient to keep and

maintain said canal in good navigable order; and it appearing from the terms of the contract between the trustees and the company now operating said canal from Terre Haute to the Ohio state line, that said company is not bound to make advances for the support and maintenance of the same, nor is it liable as a company or individually for damages sustained by third parties, by reason of its inability to sustain the canal out of the revenues of the same; and,

WHEREAS, The present condition of the said Wabash and Erie canal in the state of Indiana, is not only a matter of deep concern to the citizens of the state of Ohio connected with the commerce on said canal, but is calculated to arouse fears that the abandonment of the same is inevitable unless prompt pecuniary aid be given to put and keep the same in good navigable order; and,

WHEREAS, The failure to keep up and maintain the Wabash and Erie canal in the state of Indiana in good navigable condition, is a source of great damage to citizens of Ohio doing business on said canal, and its abandonment would work an irreparable injury to the state of Ohio; therefore,

*Resolved by the General Assembly of the State of Ohio, That the state of Indiana be, and she is hereby respectfully but urgently requested to make provisions without delay, to put said Wabash and Erie canal in good navigable order, and to assure its preservation in the future, as an act of simple duty in fulfillment of the obligations taken upon herself in the premises.*

*Resolved, That the governor of this state be, and he is hereby required to forward a copy of the foregoing preamble and resolution to the governor of the state of Indiana, with the request that the same be laid before the general assembly of said state immediately.*

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted February 21, 1871.

## JOINT RESOLUTION

Providing for furnishing the National Asylum for Disabled Soldiers with the Statutes of Ohio.

*Resolved by the General Assembly of the State of Ohio, That the secretary of State is hereby directed to send by express, or otherwise, one copy of Swan & Critchfield's revised statutes of Ohio, and one copy of Swan & Saylor's supplementary volume of revised statutes of Ohio, to the secretary of the national asylum for disabled volunteer soldiers, near Dayton, Ohio, to be kept in the library of said asylum, for the use of the inmates.*

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted February 24, 1871.

## JOINT RESOLUTION

Providing for a joint select committee to investigate the adequacy of the compensation received by state officers, in proportion to the services rendered.

*Resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the house, and two on the part of the senate, be appointed to investigate as to the adequacy of the compensation received by the state officers, in proportion to the services rendered, and report by bill, or otherwise, with a view to equalizing the same.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted February 24, 1871.

## JOINT RESOLUTION

Requiring the joint select committee for the equalization of the compensation of state officers, to inquire whether certain persons are holding lucrative offices, whose services are not wholly applied to their duties; and, also, whether certain other persons are employed in and receiving compensation in more than one of the departments of state.

WHEREAS, It is alleged that certain persons are holding lucrative positions and offices in this state, whose personal attention and services are not wholly applied to the duties enjoined on them by law, and regularly drawing their pay or compensation from the state treasury; and,

WHEREAS, It is further alleged that certain other persons are employed as clerks in more than one of the departments of state, and are receiving compensation in each therefor; therefore, be it

*Resolved by the General Assembly of the State of Ohio, That the joint select committee to whom was referred the subject of the equalization of the compensation of state officers, &c., be and they are hereby required to investigate this matter, and have the power to send for persons and papers, and swear witnesses, and report by bill, or otherwise, at as early a day as is practicable.*

J. R. COCKERILL,  
*Speaker pro tem. of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted March 10, 1871.

## JOINT RESOLUTION

Providing for the sale of certain articles belonging to the state which have become useless.

WHEREAS, The change made in lighting the representative hall and senate chamber, and the removal of the boilers from under the capitol, has caused an accumulation of articles that are useless and might be disposed of, to-wit: Ten chandeliers and their fixtures and ornaments, side brackets and their fixtures, one steam engine complete with a governor, cylinder seven inches diameter and twenty inches stroke, cast iron frame to bed cylinder on, two force pumps, one large cast iron stand, shafting, pulleys, and two spur wheels, one fan for increasing draft, one force and lifting pump, four and a half inches in diameter and eight inches stroke, besides a large quantity of scrap, wrought and cast iron, consisting of old steam and gas pipe, bolts, old grate bars, etc.; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the superintendent of the state house, by and with the consent of the governor, advertise and sell, at public sale, to the best advantage, all the above mentioned articles and others that may be useless in the capitol, and pay the proceeds of such sale over to the state treasurer.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted March 10, 1871.

## JOINT RESOLUTION

Providing for a joint select committee to act in conjunction with the judiciary committees of the senate and house of representatives to prepare and report amendments to the constitution of the state, looking to a reform of the present judicial system.

WHEREAS, A convention to revise or amend the constitution of the state may not be called as provided for in Section 3 of Article XVI. thereof; and

WHEREAS, The inadequacy and deficiencies of the judicial system established by Article IV. of said constitution are so apparent and serious as to demand immediate revision and reformation; therefore,

*Be it resolved by the General Assembly of the State of Ohio,* That a select committee of seven on the part of the house, and three on the part of the senate, be appointed to act in conjunction with the judiciary committees of the senate and house of representatives in the premises, and in conjunction therewith prepare and report, as soon as practicable, such proposed amendments to the constitution of the state, according to Section 1, Article 16, thereof, as in their judgment are necessary and proper to reform and perfect our present judicial system, or establish in lieu thereof an adequate and sufficient judicial system.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted March 10, 1871.

## JOINT RESOLUTION

Relative to the payment of the salaries of the physician and captain of the night watch of the penitentiary.

WHEREAS, By the provisions of senate bill No. 124, the salary of the physician of the penitentiary was raised from eight hundred dollars to one thousand dollars per annum, and the compensation of the captain of the night watch from seventy-five dollars to one hundred dollars per month; and

WHEREAS, Said bill was passed by the senate on the 30th day of March, A. D. 1870, and without amendments in respect to said sums so to be paid to said parties, was by the house passed on the 16th day of April, A. D. 1870, but failed, for want of time, to receive the signatures of the presiding officers at the last session; and,

WHEREAS, Said bill has, at the present session of this general assembly, been so signed; and,

WHEREAS, It was the intention of this general assembly to so increase the salaries of said officers; therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That the physician and the captain of the night watch, officer in charge of the guard room of the penitentiary, shall each receive, from the 16th day of April, A. D. 1870, to the 7th day of January, A. D. 1871, the day when said bill was signed, the sums therein provided to be paid to each respectively, to be paid out of any money in the treasury subject to draft for the payment of the salaries of officers and guards of the penitentiary.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAML F. HUNT,

*President pro tem. of the Senate.*

Adopted March 13, 187

## JOINT RESOLUTION

Relating to the death and funeral ceremonies of Hon. William S. Williams, deceased, late a member of the house of representatives from Jackson county.

*Resolved by the General Assembly of the State of Ohio*, 1. That in view of the melancholy intelligence reaching this general assembly of the sudden and unexpected death of the Hon. William S. Williams, representative of this general assembly from the county of Jackson, such action shall be taken as will testify to our esteem for the man while in life, and our respect for the position he occupied.

2. That the deceased having been stricken down by the hand of death, at the post of duty, at the seat of government, the state assumes the duty and expense attendant upon the conveyance of his remains to his home and afflicted friends at Portland, Jackson county, Ohio.

3. That a committee of arrangements be appointed, to consist of seven members on the part of the house, and three members on the part of the senate, which shall take charge of all necessary details and preparations for the funeral ceremonies proper in the escort of the body of the deceased

to the railroad depot, and which shall choose one of its body to be master of ceremonies, and report to both branches on to-morrow morning at — o'clock.

4. That nine members of the house and two members of the senate, with the speaker, attended by the sergeant-at-arms of the house, be selected as a committee of escort to the funeral cortege to the home and burial place of the deceased.

5. That the two houses will, immediately upon the report of the joint committee of arrangements on to-morrow morning, adjourn and in a body accompany the funeral cortege to the railroad depot, and await the departure of the train with the body; and that the governor and other state officers and clerks of the departments, and the members of the state board of equalization, clergy of the city, and members of any and all benevolent or fraternal societies of which the deceased may have been a member, together with the editors and reporters of the press, be invited and requested to take place in the procession, and that the reporters of the house and press be further requested to accompany the committee of escort to the burial of the deceased.

6. That a committee of nine on the part of the house and three on the part of the senate be appointed to act as pall-bearers in all the ceremonies attendant upon the escort and burial of the body of the deceased.

7. That the hall of the house of representatives shall be draped in mourning, and the flags of the capitol displayed at half-mast for the period of thirty days from the passage hereof, in memorial of this sad event.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Adopted March 13, 1871.

#### JOINT RESOLUTION

Admitting Frances Manley into the Reform and Industrial School for Girls.

WHEREAS, Frances Manley, of Montgomery county, Ohio, has been found by the probate court of Montgomery county, a proper subject to be admitted into the reform and industrial school for girls of this state, and the proceedings have been ineffective in consequence of her being sixteen years of age; and

WHEREAS, From the misfortunes of her family and the want of parental care, it is manifestly for the cause of humanity and moral reform that she be cared for in said institution; therefore,

*Resolved by the General Assembly of the State of Ohio,* That the said Frances Manley be admitted, under the proceedings had in her case, into said reform and industrial school for girls, under the provisions of the statute, except that her age of sixteen shall not operate against the application.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed March 14, 1871.

## JOINT RESOLUTION

Accepting an invitation from the common council of the city of Cincinnati, and providing for an adjournment of the General Assembly.

*Resolved by the General Assembly of the State of Ohio,* That the invitation of the common council of the city of Cincinnati be and the same is hereby accepted, and that Thursday, the 23d instant, be named as the proper time to accept of the same, and that when the general assembly adjourns on Thursday, the 23d instant, it stand adjourned until the following Tuesday, at three o'clock p. m.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted March 21, 1871.

## JOINT RESOLUTION

Directing the Auditor of State to furnish the General Assembly certain valuations and estimates.

*Resolved by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby directed to furnish to this general assembly immediately, the grand total valuation of the real property of this state as fixed by the recent state board of equalization, together with his estimates of the total value of the personal property of the state for the next year. And that he also furnish as soon as practicable, the aggregate valuation and estimates as aforesaid, of counties, cities and incorporated villages in said state.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted March 22, 1871.

## JOINT RESOLUTION

Providing for the appointment of a joint committee to make arrangements relating to the proposed visit of the General Assembly to the city of Cincinnati.

*Be it resolved by the General Assembly of the State of Ohio,* That a committee of three on the part of the Senate and five on the part of the House, be appointed to make the necessary arrangements on the part of the general assembly for the expected visit on Thursday, the 23d instant, to the city of Cincinnati.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted March 22, 1871.

## JOINT RESOLUTION

**Relating to the food furnished to the inmates of the Asylum for the Blind.**

**WHEREAS**, Complaints of a serious character are made by the inmates of the Blind Asylum and others, that the food furnished the children of that institution is of poor quality and insufficient quantity; therefore,

*Resolved by the General Assembly of the State of Ohio*, That a committee of two on the part of the Senate and five on the part of the House, be appointed, whose duty it shall be to inquire into and investigate the truth of these charges, and report upon the same, and that they have power to examine witnesses, and send for persons and papers.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted March 22, 1871.

## JOINT RESOLUTION

**Instructing the Senators and requesting the Representatives in Congress from the State of Ohio, to use their influence to amend the Homestead Laws.**

**WHEREAS**, A large number of officers, musicians and privates, are so disabled from the effects of wounds or other disabilities received or contracted while in the service of the United States, during the late rebellion, as to be unable to perform physical labor, and have no means of support other than the small pension granted by the United States; and,

**WHEREAS**, The present laws of the United States, granting homesteads to soldiers upon condition of actual settlement, amounts to a practical exclusion of this deserving, helpless class of the defenders of our country from obtaining any benefit therefrom; therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That the Senators of Ohio be instructed, and the Representatives in Congress be requested to use their influence to amend the bill now pending before Congress to grant homesteads to soldiers upon actual settlement so as to grant without settlement, one hundred and sixty acres of land to each officer, musician and private who having lost an arm or leg, or both, or who are on account of other wounds or disabilities received or contracted in the service of the United States and in the line of duty, during the late rebellion, incapacitated from performing bodily labor.

*Resolved*, That the governor be and he is hereby requested to forward a copy of the foregoing resolution to each of the Senators and Representatives in Congress from this State at his earliest convenience.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted March 30, 1871.

## JOINT RESOLUTION

Providing for the binding of volume two of the Report of the Commissioner of Railroads and Telegraphs in cloth.

**WHEREAS**, Volume two of the report of the Commissioner of Railroads and Telegraphs for 1870, now being printed, contains valuable statistics, and other matter worthy of preservation ; and,

**WHEREAS**, It will be very little more expense to the state to have said report bound in cloth than to have the same bound in brochure, as now provided by law ; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the Supervisor of Public Printing be authorized and required to have the fourteen hundred copies of said report, now provided by law to be bound in brochure, bound in cloth.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted April 1, 1871.

## JOINT RESOLUTION

Requiring the Board of Public Works to report to the General Assembly the condition of Gilead side cut canal.

*Resolved by the General Assembly of the State of Ohio*, That the Board of Public Works report to this General Assembly, at as early a day as practicable, the condition of Gilead side cut canal, as follows :

1st. Is the canal navigable for loaded boats at all times during the season of navigation on the main canal ?

2d. Is the guard gate, or lock, of sufficient capacity to permit a loaded boat to pass through without having the mills stopped ? Is not a side gate necessary ?

3d. Is the canal 30 feet wide at the bottom and  $4\frac{1}{2}$  feet deep below the top of the dam (in the south channel), with a descent at the bottom of six inches in the whole length, with a slope in the banks of one foot nine inches base to one foot perpendicular ?

4th. Is the guard gate and other fixtures, including the canal, so constructed as to secure the navigation and machinery connected with the canal from injury from floods ? Does not the water of the river flow over the guard gate sometimes, and over the banks frequently, to the injury of both navigation of the canal and of the machinery therewith connected ?

5th. How much will it require, in addition to the unexpended balance reported, to complete said canal as above indicated, and protect the embankment, in performance of the contract with J. Purdy, dated December 8, 1845 ?

6th. What is the condition of the Providence dams at this place ? Are they located in a proper place to prevent the water from passing under or through them ? Would the interest of the state be promoted by

the removal of one or both of these old, dilapidated dams, down to a point where a solid rock bottom can be had, and introducing the water from the pond into the Gilead canal lower down, abandoning about 80 rods of the unfinished canal with the insufficient embankment?

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted April 4, 1871.

### JOINT RESOLUTION

Providing for the printing of additional copies of the report of the Secretary of State for 1870.

*Resolved by the General Assembly of the State of Ohio,* That there be printed of the secretary of state's report for the year 1870, five thousand copies in addition to those already printed, with the census statistics of population compiled so as to show the number of inhabitants by counties, in townships, villages and cities, compared with the population in 1860, giving the number of males and females both white and of African admixture, and designating the number of males of twenty-one years and over, to be bound in brochure, 500 copies for the secretary of state and the rest for the general assembly; also 5000 copies of the census statistics as compiled for the above, to be bound in muslin, one hundred copies for the state library, four hundred for the secretary of state, and the rest for the general assembly, the portions for the general assembly to be divided equally among the members, and sent to the auditor of each county as soon as printed; and that there be directed to be appropriated out of any money in the treasury, not otherwise appropriated, a sum not to exceed five hundred dollars, to pay the expense of this compilation.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted April 8, 1871.

### JOINT RESOLUTION

Authorizing the commissioners of Coshocton county to pay certain attorney fees and expenses.

WHEREAS, At the January term, A. D. 1869, of the court of common pleas of Licking county, the state of Ohio recovered a judgment, by way of fine, against one James M. Brown for the embezzlement, from the treasury of Coshocton county, of certain money belonging to the state of Ohio

and said Coshocton county, on which judgment there is yet uncollected a balance of about twenty-eight thousand two hundred and fifty dollars; and,

WHEREAS, An action has been commenced in the court of common pleas of said Coshocton county, by R. M. Vohres, prosecuting attorney of said county, to determine the title of said James M. Brown to certain real estate in said Coshocton county, alleged to be owned in fee simple by him, and to subject said real estate to the payment of the said balance yet uncollected of said judgment; and,

WHEREAS, There is no provision made by law for the payment of attorney's fees, and other expenses incident to the prosecution of said action; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the commissioners of Coshocton county, Ohio, be and they are hereby authorized to retain out of the said fine when collected, such sum of money as they shall deem just and reasonable, not exceeding five per cent. on such amount as may be hereafter collected for the payment of the attorney's fees of the said Richard M. Vohres and such assistant attorney or attorneys, not exceeding two in number, as they may select, for services rendered or to be rendered by them in the court of common pleas and district court of Coshocton county, and the supreme court of the state of Ohio, together with other costs and expenses incident to the prosecution of said action.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Adopted April 12, 1871.

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## JOINT RESOLUTION

Providing for the payment of the per diem of Garretson I. Young and William S. Williams, deceased, late members of the House from Columbiana and Jackson counties, to their widows, respectively, from the date of death until the date of election and qualification of their successors.

- *Resolved by the General Assembly of the State of Ohio*, That the per diem of Garretson I. Young and William S. Williams, deceased, late members of the House from Columbiana and Jackson counties, be allowed to their widows, respectively, from the date of death until the date of election and qualification of their successors, and that the Speaker of the House draw his certificate accordingly.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Adopted April 12, 1871.

## JOINT RESOLUTION

Placing at the disposal of the members of the Geological Corps a certain number of copies of their report.

*Resolved by the General Assembly of the State of Ohio, That three hundred copies of the report of the Geological Corps, when printed, be placed at the disposal of said Corps, to be distributed as follows: To the chief officer of the Corps, 100, and to the four next highest in rank, 50 each.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted April 18, 1871.

## JOINT RESOLUTION

Providing for the printing, binding and distribution of the annual report of the Geological Corps, of Ohio, for the year 1870.

*Resolved by the General Assembly of the State of Ohio, That the report of progress of the geological survey of Ohio, for the year 1870, by J. S. Newberry, chief geologist, including reports by E. B. Andrews, Edward Orton and J. H. Klippart, assistant geologists, T. G. Wormley, chemist, and J. K. Gilbert, M. C. Read, Henry Newton and W. B. Potter, local assistants, with such maps and sections as are prepared to illustrate each of these reports, be printed at once, as the annual report of the geological corps of Ohio, for the year 1870, in the same form, and bound in muslin, in the same style, with the geological report for the year 1869, to the number of twelve thousand and five hundred copies, eight hundred copies for the geological corps, one hundred each for the state library and the governor, and eleven thousand and five hundred copies for the general assembly, to be divided equally among the members, and sent to the auditor of the county of each member, as soon as printed.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted April 18, 1870.

## JOINT RESOLUTION

Providing for the appointment of a Joint Committee to investigate the provisions of a late act of Congress relating to lands in the Virginia Military District in the State of Ohio, and report what legislation is necessary.

**WHEREAS,** The following act has been passed by the late congress of United States of America, to wit:

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the land remaining unsur-*

vayed and unsold in the Virginia Military District, in the state of Ohio, be and the same are ceded to the state of Ohio, upon the following conditions, to wit: Any person who, at the time of the passage of this act, is a bona fide settler on any portion of said lands, may hold not exceeding one hundred and sixty acres, so by him occupied, pre-empting the same in such manner as the legislature of the state of Ohio may direct.

Approved February 18, 1871.

Therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That a joint committee be appointed, to consist of three on the part of the house, and two on part of the senate, said committee to be known as the committee on lands in the Virginia Military District, and the duty of said committee shall be to investigate the provisions of the foregoing act, and report at an early day by bill or otherwise, what legislation is necessary, and whether it would not be good policy for the proceeds of said lands to be applied to the benefit of the Agricultural and Mechanical College, which is to be erected in the state of Ohio, or to some other improvement which will be beneficial to the occupants of said lands and the state.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted April 20, 1871.

## JOINT RESOLUTION

Providing for a change in the security given for deferred payments on the old Central Ohio Lunatic Asylum Grounds.

WHEREAS, Divers persons have executed to the state of Ohio their promissory notes in writing for various sums of money as deferred payments upon the purchase of the old Central Ohio Lunatic Asylum grounds, and have given mortgages upon certain parcels of real estate to secure the payment of said sums of money; and,

WHEREAS, Some of said persons are desirous of giving to the state other security for the payment of said moneys; now therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That when any of said persons shall deposit with the Treasurer of State United States bonds, or bonds of the state of Ohio, to an amount such as shall be amply sufficient in the opinion of the governor, treasurer of state and attorney general, to secure the full payment of said sum or sums so owing to the state as deferred payments, then the treasurer of state is hereby authorized to accept such new security in lieu of said original mortgage and release the same to the person or persons so depositing such new security; and in the event of said persons so owing the state, failing to pay said deferred payments, as the same shall become due, the treasurer of state is authorized to sell the securities deposited with him as aforesaid, and apply the proceeds thereof upon said deferred payments.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted April 26, 1871.

## JOINT RESOLUTION

Authorizing the Adjutant General to grant the use of cannon for the German peace celebration.

*Resolved by the General Assembly of the State of Ohio, That the adjutant general be authorized and required to grant the use of any cannon belonging to the state to the Germans of the city of Columbus, for the proposed peace celebration to take place on Monday next, May the first.*

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted April 29, 1871.

## JOINT RESOLUTION

Authorizing the trustees of the Reform and Industrial School for Girls to sell certain property and apply the proceeds thereof.

WHEREAS, A large number of the buildings on the farm for the reform and industrial school for girls are small and unfit to be used either for school rooms, lodging or other purposes in connection with the management of said institution; and,

WHEREAS, Said buildings cannot be used with advantage to said institution, but will go to decay and be lost to the state; therefore,

*Resolved by the General Assembly of the State of Ohio, That the trustees of the reform and industrial school for girls be and are hereby authorized and empowered to sell any or all of said buildings, as in their discretion they may think best, except the buildings known as the hotel, mansion house, chapel, and the large building with the buildings attached in the south row; and that they apply the proceeds in painting and repairing the buildings as aforesaid named.*

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed April 29, 1871.

## JOINT RESOLUTION

Authorizing W. W. Riley to bring an action against the State of Ohio.

WHEREAS, It is alleged that the officers of the Ohio penitentiary have diverted from the premises of one William W. Riley, of Columbus, Ohio, a stream of water for the use of said penitentiary, to the injury and damage of said Riley; therefore be it

*Resolved by the General Assembly of the State of Ohio, That for the purpose of ascertaining whether said Riley has a valid claim against the state, and if so, for the purpose of ascertaining the amount thereof, the*

said William W. Riley is hereby authorized and empowered to bring an action in the court of common pleas of Franklin county, Ohio, against said state of Ohio; and said action shall be conducted in all respects to final judgment as other civil actions in cases between private individuals, and either party shall have the right to second trial and appeal from the judgment and order of the said court of common pleas, and prosecute writs of error as provided for in suits between individuals under the code of civil procedure, except that the state shall not be required to give bond in second trial or appeal in the prosecution of any petition in error; and the service of summons in the commencement of said action shall be made on the attorney general of Ohio, and the service of all orders and summonses and notices which may be necessary in the prosecution of said action shall be complete if made upon said attorney general. The attorney general is hereby directed to defend said suit to final judgment.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted April 29, 1871.

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#### JOINT RESOLUTION

Providing for an adjournment of the General Assembly sine die.

*Resolved by the General Assembly of the State of Ohio, That this general assembly will adjourn sine die on Tuesday, May 2, A. D. 1871, at ten o'clock A. M.*

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted April 29, 1871.

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#### JOINT RESOLUTION

To authorize the appointment of a commission to inspect the coal mines of the State, and to report their condition as affecting the health and safety of persons employed therein.

*Resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized and directed to appoint three competent persons, one or more of whom shall be practical miners, who shall constitute a board of commissioners, and whose duty it shall be to visit the various leading coal mines of the state and inspect the condition and manner of working the same as to ventilation, means of ingress and egress, and as to all other matters affecting the health and safety of persons employed therein, and to report to the governor for the use of the next general assembly, the facts in the premises, together with any recommendation as to legislation upon the subject which the facts in their judgment may demand, to protect the lives and health of miners.*

*Resolved*, That said commissioners be and they are hereby directed to inquire into the causes of strikes among the miners of this state, and report the facts and their conclusions in the premises; and what legislation, if any, is necessary to prevent the same. And said commissioners shall have power to take testimony in the premises, for which purpose they may administer oaths and compel the attendance of witnesses as notaries public are authorized to do by law.

*Resolved*, That such commissioners shall immediately after their appointment be sworn or affirmed to support the constitution of the United States and of the state of Ohio, and to faithfully and impartially discharge their duties in the premises; and they shall receive as compensation for their services the sum of five dollars per day for each day actually employed, and their necessary traveling expenses, to be paid upon the warrant of the auditor of state from the state treasury.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Adopted May 2, 1871.

## JOINT RESOLUTION

Approving the change in the plan of the Central Ohio Lunatic Asylum building, and authorizing payment to the contractor for material furnished and work done on account of such change.

WHEREAS, By act of the general assembly of the state of Ohio, the location of the central Ohio lunatic asylum was changed from the old site on east Broad street, in the city of Columbus, to the new site on Sullivant's hill, west of the Scioto river, after the contracts for constructing the new building for the same according to plans and specifications had been made and approved by proper state authority; and,

WHEREAS, A change in the plan of said building was by the board of trustees of said institution found necessary to make it conform to the new location, in so far as to add four feet in height to all foundation walls in addition to the height of wall provided for in original plan and contract; and,

WHEREAS, Such change in the plan was made by the architect, and the said additional four feet in height of said wall constructed by the contractor for work of that class on said building, under the direction and requirements of said board of trustees without special contract for the same, and which was ordered by said board for the purpose of avoiding delay in the progress of the work on said building; and,

WHEREAS, Upon said extra or additional work a balance remains due the contractor for the completion of the same, which has been completed in a manner satisfactory to the board of trustees of said institution; and,

WHEREAS, An amended estimate covering this additional cost for labor and material furnished as aforesaid, has been made by the architect, approved by the trustees of said institution and the proper state officers, and placed on file with the auditor of state according to law; and,

WHEREAS, Some question has arisen in the said board of trustees as to their authority to pay for said extra or additional work and material furnished by the contractor, without additional legislation; therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That the change in the plan of said building for the central Ohio lunatic asylum, whereby the foundation walls of said building were increased four feet in height, is hereby approved, and the board of trustees of said institution are hereby authorized and directed to cause a measurement of said additional work to be made by the architect of said building, and to fix the value of said work in the manner provided in the third section of the conditions of the specifications forming part of said original contract; and having found the amount and value of said additional work and material furnished as aforesaid, then to pay to the contractor having performed the work and furnished the material as aforesaid, the additional sum found to be due him for the same, in like manner as payments are made to contractors for work of similar character.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Adopted May 1, 1871.

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#### JOINT RESOLUTION

Directing the publication in the sixty-eighth volume of laws, of the apportionment for members of the General Assembly for the next decennial period.

*Resolved by the General Assembly of the State of Ohio*, That the apportionment for members of the general assembly, made the present year, by the governor, auditor and secretary of state, for the next decennial period, be published in the volume of the laws enacted at this session of the general assembly.

J. R. COCKERILL,  
*Speaker pro tem., of the House of Representatives.*  
J. C. LEE,  
*President of the Senate.*

Passed May 1, 1871.

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#### JOINT RESOLUTION

Relating to the issue of a new edition of the School Laws.

WHEREAS, The last edition of the school laws, issued in 1865, is exhausted, and there are daily demands on the part of school officers for the school laws; and,

WHEREAS, The numerous amendments made to the school laws since 1865 make it difficult to harmonize these laws; and,

15—LAWS.

**WHEREAS**, It is highly probable that the next General Assembly will codify the school laws, and thereby render useless the expense of issuing an edition of the school laws this year, which the State Commissioner of Common Schools is under obligation to do; therefore,

*Resolved*, That the State Commissioner of Common Schools be ordered not to issue an edition of the school laws the present year.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted May 1, 1871.

## JOINT RESOLUTION

Providing for the filling of the Lucas county Insane Asylum with patients from the State at large.

**WHEREAS**, The county of Lucas, while the State facilities were not of such a capacity as to furnish a place for all the insane of the State, and a large number of the chronic insane were of necessity confined in the jails and infirmaries of the State, did, with commendable benevolence and charity, build, at a large expense, a local insane asylum, which, when the asylum now in process of construction shall be completed, will of necessity be worthless for the purpose for which it was originally designed, and the same being now completed and unused; therefore,

*Resolved by the General Assembly of the State of Ohio*, That the trustees of the Northern and Southern Ohio Lunatic Asylums be and are hereby authorized to contract with the commissioners of Lucas county for the maintenance and care of a number of the insane of the northern district, not exceeding one hundred, at a rate not exceeding four dollars and eighty cents per week, preference being given to the insane of Lucas county.

*Resolved*, That the trustees of the Central Ohio Lunatic Asylum be and are hereby authorized to let to the commissioners of Lucas county so much of the furniture, beds, bedding, and such other property saved from the burning of the Central Asylum, as suitable for the furnishing of the aforesaid building, for such reasonable compensation as may be agreed upon between the parties.

*Resolved*, That for the purpose of oversight of its management, said asylum, when organized, shall be placed under the control of the trustees of the Northern Asylum of this State, with power to appoint and discharge the superintendent of said asylum, and the amount of his salary shall be deducted from the amount due or to be paid by the State for the maintenance of its patients; provided further, that the collection for the keeping of said insane persons shall be from the State at large.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Passed May 1, 1871.

## JOINT RESOLUTION

Relating to the payment of the costs and counsel fees in the case of the State of Ohio vs. James M. Brown and Samuel Ketchum.

WHEREAS, There has been collected from James M. Brown, of Coshocton county, Ohio, of the fine assessed against him in the case of the state of Ohio vs. said Brown and Samuel Ketchum, convicted of embezzlement at the January term of the court of common pleas of Licking county, Ohio, A. D. 1869, the sum of \$14,212.30, applicable to the payment of the amounts respectively belonging to the state of Ohio and said county of Coshocton, taken from the treasury of said county by said defendants in the ratio of \$14,000 to \$6,000; and,

WHEREAS, Also, the costs and expenses of the conviction of said Brown and Ketchum, which ought to be paid, amounts to the sum of \$5,217.39; and,

WHEREAS, Doubt has arisen as to how much of the share of the state in said fund said county is allowed to retain under the provisions of the joint resolution of the general assembly, adopted May 6, 1869, (O. L., vol. 66, page 427); therefore, be it

*Resolved by the General Assembly of the State of Ohio*, That the county commissioners of said county of Coshocton are hereby authorized to retain out of the fund so collected, the sum of three thousand dollars for the purpose of paying the state's share of the expenses and counsel fees incurred in working the conviction of said defendants, and collecting the state's share of said fund, and said county commissioners are hereby authorized to pay the remainder of said expenses and attorney's fees of said county's share of said fund.

J. R. COCKERILL,

*Speaker pro tem. of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted May 1, 1871.

## JOINT RESOLUTION

Relative to leasing certain State lands in Mercer county, Ohio.

*Resolved by the General Assembly of the State of Ohio*, That the board of public works be authorized and directed to lease to the members of the board of agriculture of Mercer county, Ohio, and their successors in office, all the interest of the state in the following lands, to wit: Commencing for the same on the western embankment of the Mercer county reservoir, at a point where said embankment crosses the south line of Washington street, in Celina, in said county; from thence, running in a north-easterly direction on and along said embankment to a point due east of the north line of Fayette street in said town; from thence, south fifty (50) degrees east to the water's edge of said reservoir; from thence along the said water's edge of said reservoir in a southwardly direction to the east line

of Main street of said town of Celina; from thence along the east line of said Main street to the south line of Washington street; from thence west along the south line of said street to the place of beginning, including all that portion of the north-west quarter and south-west quarter of section six (6), town six (6), south of range three (3) east, lying between the embankment and the water's edge of said reservoir, containing about thirty (30) acres of land more or less; the above described lands to be used for agricultural and fair purposes, for a term not exceeding ninety-nine years, or so long as the state of Ohio may use the reservoir for canal purposes, for a sum not exceeding one hundred dollars, hereby reserving all the rights and privileges the state has or may have to use the said reservoir for canal purposes unimpaired.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted May 2, 1871.

## JOINT RESOLUTION

Relative to the claim of A. Bassett.

WHEREAS, A. Bassett, on the twenty-fourth day of April, 1845, was the holder and owner of the bonds of the State of Ohio, known as "Ohio Turnpike Stock," for the payment of one thousand dollars, issued in pursuance of the act of the General Assembly of this State, passed March 13, 1843, with interest thereon, payable semi-annually, which said bonds were deposited with the Treasurer of the State by the said A. Bassett, on the twenty-fourth day of April, 1845, for which said Bassett received from the Treasurer of State a certificate of deposit of said bonds, dated April twenty-fourth, 1845, and which certificate said A. Bassett still holds, and who claims that the said bonds so deposited by him have never been paid to him by the State, or to any other person authorized to receive payment of the same, and that the State of Ohio still owes him the amount of one thousand dollars on the said bonds, with the interest thereon, from the first day of November, A. D. 1845; therefore, be it

*Resolved by the General Assembly of the State of Ohio,* That said A. Bassett is hereby authorized, within ninety days from the passage of this resolution, to bring an action in the court of common pleas of Franklin county, Ohio, against the State of Ohio, for the recovery of the amount of said State bonds so deposited as aforesaid, and the interest thereon, on account of the refusal of the State to pay the same on the presentation of said certificate of deposit; and said action shall be proceeded in to final judgment according to the code of civil procedure, as in cases of private individuals; the parties to said action shall have the same right to prosecute petition or petitions in error, as is or may be provided for actions between other parties; the State shall not be required to give bond in the prosecution of any petition in error; service of summons in the commencement of suit may be made on the Attorney General

for the State, and the service of all orders, notices, etc., which may be necessary in the prosecution of said action, shall be complete, if made upon said Attorney General; said attorney is hereby authorized and required to defend said suit when brought, and all acts in the premises done by him shall be valid for and against the State: Provided, that nothing herein shall be construed to recognize the authority of the Treasurer of State, in the foregoing transaction, to receive said deposit or issue said certificate, as the agent of the State.

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted May 2, 1871.

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### JOINT RESOLUTION

Rescinding Senate Joint Resolution No. 124, and fixing a time for the adjournment of the General Assembly sine die.

*Resolved by the General Assembly of the State of Ohio, That S. J. R. No. 124, providing for the adjournment of the General Assembly sine die, be and the same is hereby rescinded, and that this General Assembly will adjourn at 12 M. of Tuesday, May 2, A. D. 1871, sine die.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 J. C. LEE,  
*President of the Senate.*

Adopted May 2, 1871.

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### JOINT RESOLUTION

Relative to the surrender of the lease of the Western Reserve and Maumee road by the lessees of the Public Works.

*Resolved by the General Assembly of the State of Ohio, That if the lessees of the public works shall decline to continue their lease of the Western Reserve and Maumee road, after the first day of June, A. D. 1871, or fail to keep said road in repair, the Board of Public Works are authorized and required to take charge and control of the same, provide for collecting the tolls, and to expend the net revenue therefrom in improving and repairing the road.*

A. J. CUNNINGHAM,  
*Speaker of the House of Representatives.*  
 SAM'L F. HUNT,  
*President pro tem. of the Senate.*

Adopted May 2, 1871.

## JOINT RESOLUTION

Providing for paying W. S. Shepherd and O. G. Parr, assistant clerks of the house of representatives, their per diem, for thirty days, in addition to their regular compensation.

WHEREAS, W. S. Shepherd and O. G. Parr, Esqrs., assistant clerks of the house of representatives, since February 4, 1870, did, during the regular session, by working at night and during adjournments of the house, severally perform a large amount of extra labor, to-wit: an amount equal to about thirty days service each; therefore,

*Resolved by the General Assembly of the State of Ohio*, (two-thirds of the members elected to each branch concurring therein), That the said W. S. Shepherd and O. G. Parr be each allowed for said extra labor their per diem for thirty days, in addition to their regular compensation.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

SAM'L F. HUNT,

*President pro tem. of the Senate.*

Adopted May 2, 1871.

## JOINT RESOLUTION

Providing for printing the journal of the board of equalization of 1871, together with the abstract of results furnished by the auditor of state, under joint resolution of the general assembly.

*Resolved by the General Assembly of the State of Ohio*, That the same number of copies of the journal of the board of equalization of 1871, together with the abstracts returned by the county board, and equalized by said board, and the aggregate of 1846, 1853 and 1859, as is usual in numbers equal to the number of senate journals, be printed and distributed to those entitled to the journals of the senate, five copies to each member of the board, also one hundred copies for preservation in the state library, and that such number of copies of the tabular statement of the appraisement of real and personal property of this state, furnished under the joint resolution of this general assembly, as the auditor may deem necessary for distribution. These documents to be forwarded to the different county auditors, to be distributed to those entitled to senate journals.

A. J. CUNNINGHAM,

*Speaker of the House of Representatives.*

J. C. LEE,

*President of the Senate.*

Adopted May 2, 1871.

OFFICE OF SECRETARY OF STATE,  
Columbus, Ohio, May 24, 1870.

I hereby certify that the foregoing General and Local Laws and Joint Resolutions, are correctly copied from the original rolls on file in this office.

ISAAC R. SHERWOOD,  
*Secretary of State.*

# TIMES OF HOLDING COURTS IN OHIO IN 1871.

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## FIRST DISTRICT.

### *District Court.*

Hamilton, April 17, October 2.

### *Common Pleas.*

Hamilton, January 2, June 5, November 6.

## SECOND DISTRICT.

### *District Court.*

Butler, May 8; Champaign, May 24; Clarke, September 5; Clinton, May 17; Darke, April 24; Greene, May 22; Miami, April 18; Montgomery, April 17; Preble, May 4, Warren, May 15.

### *Common Pleas.*

Butler, January 2, June 19, October 16.  
Champaign, February 27, June 19, November 20.  
Clarke, January 16, June 5, October 16.  
Clinton, February 20, June 19, November 20.  
Darke, February 27, June 19, December 4.  
Greene, February 20, June 19, November 20.  
Miami, January 30, June 5, October 16.  
Montgomery, January 29, June 5, October 16.  
Preble, February 27, June 5, November 27.  
Warren, January 16, June 5, October 16.

## THIRD DISTRICT.

### *District Court.*

Allen, August 30; Auglaize, August 21; Crawford, April 5; Defiance, March 29; Fulton, March 22; Hancock, April 11; Hardin, August 14; Henry, March 28; Logan, August 7; Marion, April 7; Mercer, August 23; Paulding, March 30; Putnam, August 25; Seneca, April 14; Shelby, August 17; Union, August 10; Van Wert, August 28; Williams, March 21; Wood, March 23; Wyandot, March 31.

*Common Pleas.*

Allen, February 13, June 5, October 23.  
 Auglaize, March 6, May 29, September 18.  
 Crawford, February 27, June 5, November 6  
 Defiance, January 16, April 24, September 25  
 Fulton, February 14, May 9, October 17.  
 Hancock, February 7, May 16, October 17.  
 Hardin, January 23, May 15, October 2.  
 Henry, January 30, May 1, October 2.  
 Logan, March 6, June 12, November 13.  
 Marion, January 3, May 2, September 12.  
 Mercer, February 20, May 1, October 16.  
 Paulding, January 24, June 6, September 19.  
 Putnam, January 30, May 1, October 11.  
 Seneca, February 13, June 19, November 1.  
 Shelby, January 2, May 1, September 11.  
 Union, February 14, May 29, October 24.  
 Van Wert, January 16, May 15, October 30.  
 Williams, February 28, May 16, October 31.  
 Wood, January 17, May 23, October 3.  
 Wyandot, January 16, April 24, September 25.

## FOURTH DISTRICT.

*District Court.*

Erie, April 6; Huron, April 3; Lucas, April 17; Sandusky, April 14; Ottawa, April 11;  
 Lorain, September 4; Medina, September 7; Summit, September 11; Cuyahoga, September 18.

*Common Pleas.*

Erie, January 30, May 15, October 16.  
 Huron, February 27, June 5, November 13.  
 Lucas, February 13, May 8, November 6.  
 Sandusky, January 30, May 8, October 16.  
 Ottawa, January 16, May 2, September 26.  
 Lorain, January 30, May 8, October 11.  
 Medina, January 16, May 1, September 25.  
 Summit, February 21, May 29, November 6.  
 Cuyahoga, February 13, May 8, November 6.

## FIFTH DISTRICT.

*District Court.*

Adams, September 13; Brown, September 15; Clermont, September 20; Fayette, May 15; Franklin, May 3; Highland, September 23; Madison, May 2; Pickaway, May 9; Ross, September 26.

*Common Pleas.*

Adams, January 24, May 23, September 26.  
 Brown, February 7, June 6, October 31.  
 Clermont, February 28, June 27, October 11.  
 Fayette, February 28, June 13, November 28.  
 Highland, January 17, April 11, October 3.  
 Ross, January 31, May 23, October 24.  
 Franklin, February 13, May 17, October 16.  
 Madison, January 31, April 11, September 26.  
 Pickaway, March 14, June 13, November 14.

## SIXTH DISTRICT.

*District Court.*

Ashland, June 15; Coshocton, June 24; Delaware, May 29; Holmes, June 21; Knox, June 12; Licking, May 19; Morrow, June 2; Richland, June 6; Wayne, June 19.

*Common Pleas.*

Ashland, March 27, September 4, December 4.  
 Coshocton, January 31, April 25, October 17.  
 Delaware, March 13, August 14, November 20.  
 Holmes, January 9, April 3, September 18.  
 Licking, January 9, April 4, September 4.  
 Morrow, February 6, August 7, November 6.  
 Richland, February 13, August 14, October 30.  
 Wayne, February 27, August 21, November 27.

## SEVENTH DISTRICT.

*District Court.*

Athens, September 6; Fairfield, August 31; Gallia, April 13; Hocking, September 4; Jackson, September 13; Lawrence, April 17; Meigs, April 10; Perry, August 29; Pike, April 24; Scioto, April 20; Vinton, September 11; Washington, April 5.

*Common Pleas.*

Athens, March 13, May 29, November 6.  
 Fairfield, March 6, June 5, October 30.  
 Gallia, February 6, April 26, September 19.  
 Hocking, February 20, May 22, October 16.  
 Jackson, February 20, May 22, October 16.  
 Lawrence, January 23, April 25, September 18.  
 Meigs, February 20, May 10, October 16.  
 Perry, February 6, May 8, October 2.  
 Pike, March 27, June 26, November 20.  
 Scioto, February 27, May 29, October 23.  
 Vinton, February 6, May 8, October 2.  
 Washington, March 1, May 22, October 30.

## EIGHTH DISTRICT.

*District Court.*

Belmont, September 13; Guernsey, September 18; Harrison, September 25; Jefferson September 27; Monroe, September 11; Morgan, September 4; Noble, September 7; Muskingum, August 28; Tuscarawas, September 22.

*Common Pleas.*

Belmont, February 1, May 16, November 1.  
 Guernsey, April 12, July 5, November 7.  
 Harrison, February 6, May 8, October 16.  
 Jefferson, March 13, June 5, November 13.  
 Monroe, January 17, May 2, October 17.  
 Morgan, March 13, June 5, October 11.  
 Muskingum, January 30, April 24, October 30.  
 Noble, March 14, June 6, October 17.  
 Tuscarawas, February 20, May 22, October 30.

## NINTH DISTRICT.

*District Court.*

Ashtabula, May 17; Carroll, April 17; Columbiana, April 26; Geauga, May, 15; Lake, May 12; Mahoning, May 1; Portage, May 9, Stark, April 20; Trumbull, May 4.

*Common Pleas.*

Ashtabula, January 23, June 5, October 16.  
 Carroll, January 2, April 3, September 4.  
 Columbiana, January 30, May 22, October 16.  
 Geauga, January 9, March 27, September 4.  
 Lake, February 13, May 23, September 18.  
 Mahoning, January 16, May 22, September 18.  
 Portage, January 9, April 3, September 11.  
 Stark, February 20, June 5, November 6.  
 Trumbull, February 20, June 5, November 6.

## JUDICIARY—SUPREME COURT.

Names.	Residence.	Remarks.
Josiah Scott, <i>Chief Justice</i> .....	Hamilton .....	Term expires February, 1872
John Welch, <i>Judge</i> .....	Athens .....	" " " 1873
William White, <i>Judge</i> .....	Springfield .....	" " " 1874
Luther Day, <i>Judge</i> .....	Ravenna .....	" " " 1875
Geo. W. McIlvaine, <i>Judge</i> .....	New Philadelphia..	" " " 1876
Rodney Foos, <i>Clerk</i> .....	Wilmington .....	" " " 1872
L. J. Critchfield, <i>Reporter</i> .....	Columbus .....	" " December, 1871
James H. Beebe, <i>Law Librarian</i> .....	Columbus .....	Permanent.

## JUDGES OF THE COURTS OF COMMON PLEAS.

Dist.	Sub. Div.	Counties.	Names of Judges.	Post-office Address.
No. 1		Hamilton .....	Manning F. Force..... Charles C. Murdock..... Joseph Cox.....	Cincinnati. Cincinnati. Cincinnati.
No. 2	1	Butler .....	Wm. J. Gilmore..... John C. McKerny .....	Eaton. Dayton.
		Preble .....		
		Darke .....		
		Montgomery .....		
No. 2	2	Champaign .....	Ichabod Corwin .....	Urbana.
		Miami .....		
No. 2	3	Warren .....	Edward H. Munger .....	Xenia. Washington.
		Clinton .....		
		Greene .....		
		Clarke .....		
No. 3	1	Logan .....	Jacob S. Conklin.....	Sidney.
		Union .....		
		Hardin .....		
		Shelby .....		
No. 3	2	Auglaize .....	James McKenzie .....	Lima. St. Mary's.
		Allen .....		
		Mercer .....		
		Van Wert.....		
		Putnam .....	Edward M. Phelps .....	
No. 3	3	Paulding .....	Alex. S. Latty .....	Defiance.
		Defiance .....		
		Williams .....		
		Fulton .....		
		Henry .....		
No. 3	4	Seneca .....	Chester R. Mott .....	U. Sandusky. Tiffin.
		Hancock .....		
		Wyandot .....		
		Crawford .....		
		Marion .....	James Pillars.....	
		Wood .....		
No. 4	1	Lucas .....	Walter F. Stone .....	Sandusky. Norwalk. Toledo. Toledo.
		Ottawa .....		
		Sandusky .....		
		Erie .....		
		Huron .....	Charles E. Pennewell .....	
			William A. Collins .....	
			Joshua R. Seney .....	
No. 4	2	Lorain .....	Washington W. Boynton ..	Elyria.
		Medina .....		
		Summit.....	Samuel W. McClure.....	Akron.
No. 4	3	Cuyahoga .....	Horace Foote .....	Cleveland.
			Samuel B. Prentiss.....	Cleveland.
			Robert F. Paine.....	Cleveland.
No. 5	1	Clermont .....	Thomas Q. Ashburn.....	Batavia. Georgetown.
		Brown .....		
		Adams .....	David Tarbell .....	
No. 5	2	Highland .....	Alfred S. Dickey .....	Lyndon. Chillicothe.
		Ross .....		
		Fayette.....	Wm. H. Safford.....	

## JUDGES OF COURTS OF COMMON PLEAS—Continued.

Dist.	Sub. Div.	Counties.	Names of Judges.	Post-office Address.
No. 5	3	{ Pickaway .....	{ John L. Green .....	Columbus.
		{ Franklin .....	{ Joseph Olds .....	Circleville.
		{ Madison .....		
No. 6	1	{ Licking .....	{ Thomas C. Jones .....	Delaware.
		{ Knox .....	{ Charles Follett .....	Newark.
		{ Delaware .....		
No. 6	2	{ Morrow .....	{ William Osborn .....	Ashland.
		{ Richland .....	{ George W. Geddes .....	Mansfield.
		{ Ashland .....		
No. 6	3	{ Wayne .....	{ William Reed .....	Millersburg.
		{ Holmes .....		
		{ Coshocton .....		
No. 7	1	{ Fairfield .....	{ Silas H. Wright .....	Logan.
		{ Perry .....		
		{ Hocking .....		
No. 7	2	{ Jackson .....	{ John P. Plyley .....	McArthur.
		{ Vinton .....	{ W. W. Johnson .....	Ironton.
		{ Pike .....		
		{ Scioto .....		
		{ Lawrence .....		
No. 7	3	{ Gallia .....	{ Erastus A. Guthrie .....	Athens.
		{ Meigs .....	{ Wm. B. Loomis .....	Marietta.
		{ Athens .....		
		{ Washington .....		
No. 8	1	{ Muskingum .....	{ Moses M. Granger .....	Zanesville.
		{ Morgan .....	{ Fred. W. Wood .....	McConneleville.
		{ Noble .....		
		{ Guernsey .....		
No. 8	2	{ Belmont .....	{ John S. Way .....	Woodfield.
		{ Monroe .....		
No. 8	3	{ Jefferson .....	{ John H. Miller .....	Steubenville.
		{ Harrison .....		
		{ Tuscarawas .....		
No. 9	1	{ Stark .....	{ Joseph Frease .....	Canton.
		{ Carroll .....		
		{ Columbiana .....		
No. 9	2	{ Trumbull .....	{ George M. Tuttle .....	Warren.
		{ Portage .....	{ Philo B. Conant .....	Ravenna.
		{ Mahoning .....		
No. 9	3	{ Geauga .....	{ Norman L. Chaffee .....	Jefferson.
		{ Lake .....		
		{ Ashtabula .....		

# APPORTIONMENT

OF THE STATE OF OHIO, FOR MEMBERS OF THE GENERAL ASSEMBLY, FOR  
THE THIRD DECENNIAL PERIOD.

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In conformity to the provisions of the Constitution of the State of Ohio, we, Rutherford B. Hayes, Governor; James H. Godman, Auditor of State; and Isaac R. Sherwood, Secretary of State, have ascertained and determined the ratio of representation in the General Assembly, according to the decennial census, the number of Representatives and Senators each county or district shall be entitled to elect, and for what years within the next ensuing ten years, and do declare the same to be as follows :

The total population of the several counties of the State by the Federal Census, as ascertained by us, is two millions six hundred and sixty-five thousand and one hundred and eighteen. The ratio of representation for a Representative is twenty-six thousand six hundred and fifty-one; and for a Senator, seventy-six thousand one hundred and forty-six.

The apportionment for the House of Representatives during the third decennial period, under the Constitution, shall be as follows :

The counties of Adams, Allen, Ashland, Athens, Auglaize, Brown, Carroll, Champaign, Clinton, Coshocton, Crawford, Delaware, Erie, Fairfield, Fayette, Fulton, Gallia, Geauga, Greene, Guernsey, Hancock, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Knox, Lake, Lawrence, Logan, Lorain, Madison, Mahoning, Marion, Medina, Meigs, Mercer, Monroe, Morgan, Morrow, Noble, Ottawa, Perry, Pickaway, Pike, Portage, Preble, Putnam, Sandusky, Scioto, Seneca, Shelby, Union, Van Wert, Vinton, Warren, Williams, Wood and Wyandot, shall severally be entitled to one Representative in each session of the decennial period.

The counties of Lucas and Stark shall each be entitled to two Representatives in each session of the decennial period.

The counties of Ashtabula, Clarke, Clermont, Darke, Licking, Miami, Richland, Ross, Summit, Tuscarawas and Wayne, shall severally be entitled to one Representative in each session, and one additional Representative in the fifth session of the decennial period.

The counties of Belmont, Butler, Columbiana, Trumbull and Washington, shall severally be entitled to one Representative in each session, and two additional Representatives, one in the third and one in the fourth session of the decennial period.

The county of Muskingum shall be entitled to one Representative in each session, and three additional Representatives, one in the first, one in the second, and one in the third session of the decennial period.

The county of Franklin shall be entitled to two Representatives in each session, and one additional Representative in the fifth session of the decennial period.

The county of Montgomery shall be entitled to two Representatives in each session, and two additional Representatives, one in the third and one in the fourth session of the decennial period.

The county of Cuyahoga shall be entitled to four Representatives in each session, and four additional Representatives, one in the first, one in the second, one in the third and one in the fourth session of the decennial period.

The county of Hamilton shall be entitled to nine Representatives in each session, and three additional Representatives, one in the first, one in the second and one in the third session of the decennial period.

The following counties, until they shall have acquired a sufficient population to entitle them to elect separately, under the fourth section of the eleventh article of the Constitution, shall form districts in manner following, to wit: the counties of Defiance and Paulding one district, which district shall be entitled to one Representative in each session of the decennial period.

By the Constitution, the State is divided into thirty-three Senatorial Districts, as follows: The county of Hamilton constitutes the first Senatorial district; the counties of Butler and Warren the second; Montgomery and Preble the third; Clermont and Brown the fourth; Greene, Clinton and Fayette the fifth; Ross and Highland the sixth; Adams, Pike, Scioto and Jackson the seventh; Lawrence, Gallia, Meigs and Vinton the eighth; Athens, Hocking and Fairfield the ninth; Franklin and Pickaway the tenth; Clarke, Champaign and Madison the eleventh; Miami, Darke and Shelby the twelfth; Logan, Union, Marion and Hardin the thirteenth; Washington and Morgan the fourteenth; Muskingum and Perry the fifteenth; Delaware and Licking the sixteenth; Knox and Morrow the seventeenth; Coshocton and Tuscarawas the eighteenth; Guernsey and Monroe the nineteenth; Belmont and Harrison the twentieth; Carroll and Stark the twenty-first; Jefferson and Columbiana the twenty-second; Trumbull and Mahoning the twenty-third; Ashtabula, Lake and Geauga the twenty-fourth; Cuyahoga the twenty-fifth; Portage and Summit the twenty-sixth; Medina and Lorain the twenty-seventh; Wayne and Holmes the twenty-eighth; Ashland and Richland the twenty-ninth; Huron, Erie, Sandusky and Ottawa the thirtieth; Seneca, Crawford and Wyandot the thirty-first; Mercer, Auglaize, Allen, Van Wert, Paulding, Defiance and Williams the thirty-second; and Hancock, Wood, Lucas, Fulton, Henry and Putnam the thirty-third.

For the third decennial period, each of said districts, except the first, the eighth, the seventeenth, the twenty-fifth, the twenty-seventh, the twenty-eighth, the twenty-ninth, the thirtieth, the thirty-second and thirty-third, shall have one Senator.

The eighth and thirtieth districts shall each be entitled to one Senator for the decennial period, and one additional Senator in the fifth session of the decennial period.

The twenty-fifth and thirty-second districts shall each be entitled to one Senator for the decennial period, and three additional Senators, one in the first, one in the second and one in the third session of the decennial period.

The thirty-third district shall be entitled to one Senator for the decennial period, and four additional Senators, one in the first, one in the second, one in the third and one in the fourth session of the decennial period.

The first district shall be entitled to three Senators for the decennial period, and two additional Senators, one in the third and one in the fourth session of the decennial period.

The seventeenth district, composed of the counties of Knox and Morrow, having less than three-fourths of a Senatorial ratio of population, is, as required by the Constitution, attached to the adjoining district having the least number of inhabitants, which is the twenty-eighth district, composed of the counties of Wayne and Holmes. The twenty-

eight district, with the seventeenth district so attached as aforesaid, shall be entitled to one Senator for the decennial period, and one additional Senator in the fifth session of the decennial period. The twenty-seventh district, composed of the counties of Medina and Lorain, having also less than three-fourths of a Senatorial ratio of population, is in like manner attached to the twenty-ninth district, composed of the counties of Ashland and Richland. The twenty-ninth district, with the twenty-seventh so attached as aforesaid, shall be entitled to one Senator for the decennial period, and one additional Senator in the fifth session of the decennial period.

The fourteenth district, composed of the counties of Washington and Morgan and part of the county of Noble, and the nineteenth district, composed of the counties of Guernsey and Monroe and part of the county of Noble, remain as during the first decennial period, the Constitution not admitting of any alteration of territorial limits of Senatorial districts.

In testimony whereof, we have hereunto set our names and caused the Great Seal of the State of Ohio to be affixed, at Columbus, this eighth day of April, in the year  
[SEAL.] of our Lord, one thousand eight hundred and seventy-one, and of the Independence of the United States of America the ninety-fifth.

R. B. HAYES.

JAS. H. GODMAN, *Auditor of State.*

ISAAC R. SHERWOOD, *Secretary of State.*



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